



DOCKET NO. 50792

**PETITION OF VAL VERDE UTILITY
COMPANY, LLC TO DECERTIFY ITS
CERTIFICATED WATER AREA AND
CANCEL ITS WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN VAL VERDE COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Recommendation on Administrative Completeness and Proposed Procedural Schedule. Staff recommends that the application is administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On April 20, 2020, Val Verde Utility Company, LLC (Val Verde) filed petition under 16 Texas Administrative Code (TAC) § 24.249 to decertify the water service area held under its Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County. Val Verde stated that no water services have ever been provided after the CCN was initially obtained, and there have never been any customers.

On June 10, 2020, Order No. 1 in this proceeding was issued, requiring Staff to file a recommendation on the administrative completeness of the petition by July 9, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Val Verde's petition and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition is administratively complete for further processing. Specifically, Staff recommends that the petition properly details the proposed cessation of service, states the reason for the requested action, and includes sufficient

mapping data. Staff additionally recommends that the effective date of the action be determined to be no earlier than August 18, 2020.¹

III. NOTICE

In accordance with Staff's recommendation that the petition is administratively complete, Staff recommends that Val Verde proceed with providing public notice. Specifically, Staff recommends that Val Verde use the attached form titled *Notice to Current Customers, Neighboring Systems, and Cities* to provide notice to all required recipients, as detailed in Ms. Garcia's attached memorandum. Additionally, Staff recommends that Val Verde use the attached *Notice for Publication* form to publish notice of the application in a newspaper of general circulation in Val Verde County once each week for two consecutive weeks beginning the week after the proposed notice is approved by the Commission. Further, Staff recommends that Val Verde file the attached *Affidavit of Notice* and *Publisher's Affidavit* forms upon completion of notice, as detailed in the proposed procedural schedule below.

IV. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties	August 10, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	August 24, 2020
Deadline to intervene	30 days after notice is provided

V. CONCLUSION

Staff recommends that Val Verde's petition be found administratively complete, that Val Verde be directed to provide notice as detailed above and in the attached memorandum, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

¹ Under 16 TAC § 24.249(a)(2), the proposed effective date of the action must be no earlier than 120 days after the petition was filed with the Commission. The petition was filed on April 20, 2020; 120 days after April 20, 2020 is August 18, 2020.

Dated: July 9, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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/s/Courtney Dean
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean

PUC Interoffice Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: July 9, 2020

Subject: **Docket No. 50792**, *Petition of Val Verde Utility Company, LLC to Discontinue Water Service in Val Verde County and Cancel Certificate of Convenience and Necessity Number 13179*

On April 20, 2020, Val Verde Utility Company, LLC (Petitioner) filed a petition to discontinue water service and cancel certificate of convenience and necessity (CCN) No. 13179 in Val Verde County. The Petitioner asserts no utility services have ever been provided in the water service area, which includes approximately 3,103 acres and no customers.

Based on Staff's review of the above referenced petition, Staff recommends that the petition be deemed administratively complete. Staff further recommends the following actions be required of the Petitioner:

- 1) Provide notice of the petition by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area, including:
 - City of Del Rio
 - Del Rio Utilities Commission
 - b. The county judge of each county that is wholly or partially included in the requested area, including:
 - Val Verde County Judge

Addresses can be obtained by the Petitioner from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ's) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation.
- 3) Provide notice using the attached notice forms.

- 4) Provide an accurate map delineating the requested area, with each individual notice, to neighboring utilities, other affected parties, and landowners.
- 5) File in the docket a signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication. Also, file a representative copy of the actual notice and a copy of the map that was included with each individual notice. All documentation must be filed within 30 days of the date of notice. It is recommended that the Petitioner use the attached notice and affidavits to meet these requirements.

Notice for Publication

**NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER UTILITY SERVICE
AND CANCELLATION CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 13179 IN VAL
VERDE COUNTY, TEXAS**

Val Verde Utility Company, LLC, has filed a petition with the Public Utility Commission of Texas to cease operations, discontinue providing water service, and cancel its water Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County, Texas. The proposed effective date of this action is August 18, 2020. There are no customers in the service area. Therefore, there will be no effect on any customers due to the cessation of operations.

The requested area is located approximately 3 miles west of downtown Del Rio, Texas, and is generally bounded on the north by US Highway 90; on the east by Laughlin Drive and Laughlin Air Force Base; on the south by US Highway 277; and on the west by US Highway 277.

The total requested area includes approximately 3,103 acres and 0 current customers.

A copy of the map showing the requested area is available at: 922 Isom Road, STE 105, San Antonio, Texas 78216

The utility will not sell any facilities as there are none located within the service area. The owner Val Verde Utility Company, LLC, may be contacted at: 922 Isom Road, STE 105, San Antonio, Texas 78216 or by telephoning: (210) 222-1500.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached, and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers and Cities

**NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER UTILITY SERVICE
AND CANCELLATION CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 13179 IN VAL
VERDE COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20__

(Address)

(City State Zip)

Val Verde Utility Company, LLC, has filed a petition with the Public Utility Commission of Texas to cease operations, discontinue providing water service, and cancel its water Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County, Texas. The proposed effective date of this action is August 18, 2020. There are no customers in the service area. Therefore, there will be no effect on any customers due to the cessation of operations.

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See enclosed map showing the requested area.

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PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. **50792**

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 50792

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____