



Control Number: 50814



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DOCKET NO. 50814

**APPLICATION OF WEST HARRISON
WATER SUPPLY CORPORATION TO
AMEND ITS WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN HARRISON COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**



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

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

I. BACKGROUND

On May 4, 2020, West Harrison Water Supply Corporation (West Harrison) filed an application to amend its water Certificate of Convenience and Necessity No. 12728 in Harrison County, Texas under Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237. On May 13, 2020, West Harrison filed supplemental information, and on July 1, 2020, West Harrison amended the application to increase the acreage of the requested area from approximately 437 acres to approximately 447 acres

On July 10, 2020, the Administrative Law Judge (ALJ) issued Order No. 3, which set a deadline of August 7, 2020, for Staff to file comments on the administrative completeness of the revised application and proposed notice and for West Harrison and Staff to file a recommendation on how to proceed with the application and propose a procedural schedule. This pleading therefore is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the amended application and supplemental information filed by West Harrison and, as detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, recommends that it be found administratively complete from a technical perspective. Staff further recommends, as detailed in the attached memorandum of Fred

Bednarski of the Commission's Rate Regulation Division, that the application be deemed sufficient from a financial perspective.

III. RECOMMENDATION ON NOTICE

At this time, Staff recommends that West Harrison proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notice provided by Ms. Mathis. Along with each individual notice, Staff recommends that West Harrison provide an accurate map delineating the requested service area. Staff also recommends that West Harrison publish notice once each week for two consecutive weeks in a newspaper of general circulation in Harrison County using the notice provided by Ms. Mathis.

Within 30 days of the provision of notice, Staff recommends that West Harrison file proof of notice as described in the attached memorandum and proof of newspaper publication. Finally, it is recommended that West Harrison use the attached affidavits to meet these requirements.

IV. AGREED PROPOSED PROCEDURAL SCHEDULE

Staff has conferred with a representative for West Harrison and is authorized to propose the following agreed procedural schedule for further processing of the docket:

Event	Date
Deadline for West Harrison to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	August 19, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	August 26, 2020
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively complete at this time and that West Harrison provide notice as directed. Staff further requests adoption of the agreed procedural schedule.

Dated: August 3, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
Merritt Lander
State Bar No. 24106183
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)
Merritt.Lander@puc.texas.gov

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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 on August 3, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

To: Merritt Lander, Attorney
Legal Division

From: Fred Bednarski III, Financial Analyst
Rate Regulation Division

Date: August 3, 2020

Subject: **Docket No. 50814**, *Application of West Harrison Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Harrison County*

On May 4, 2020, West Harrison Water Supply Corporation (Applicant) filed an application to amend its water Certificate of Convenience and Necessity No. 12728 in Harrison County, Texas under Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

I reviewed the answers to questions 30 and 31 of the application and did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the application be deemed administratively complete from a financial perspective.

PUCT Interoffice Memorandum

To: Merritt Lander, Attorney
Legal Division

From: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

Date: August 3, 2020

Subject: **Docket 50814**, *Application of West Harrison Water Supply Corporation to Amend Its Water Certificate of Convenience and Necessity in Harrison County*

On May 4, 2020, West Harrison Water Supply Corporation (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12728 in Harrison County, Texas under Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

Staff from the Infrastructure Division has reviewed the information filed by the Applicant on May 4, May 13, and July 1, 2020 and recommends that the application be deemed administratively complete. Staff further recommends the Applicant be required to do the following:

- 1) Provide notice of the application 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:
 - *Gill WSC (CCN No. 10365)*
 - *Talley WSC (CCN No. 10414)*
 - *Little Cypress Utility District*
 - *Sabine River Authority*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Harrison County Judge*
 - c. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant 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) web site located at <http://www.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. Within 30 days of the date the

notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide notice and proof of notice using the attached notice and affidavit forms.
- 4) Provide a copy of map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI to provide a response.

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN HARRISON COUNTY, TEXAS**

West Harrison Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12728 for the provision of retail Water utility service in Harrison County.

The requested area is located approximately 4.7 miles southeast of downtown Hallsville, Texas, and is generally bounded on the north by Interstate Highway 20; on the east by FM 3251; on the south by Red Oak Road; and on the west by Finklea Road. The total requested area includes approximately 447 acres and 3 current customers.

A copy of the map showing the requested area is available at: 5975 Noonday Road, Hallsville, TX 75650

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.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners, Customers and Cities
**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN HARRISON COUNTY, TEXAS**

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

(Address)

(City State Zip)

Date Notice Mailed: _____, 20____

West Harrison Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12728 for the provision of retail Water utility service in Harrison County.

The requested area is located approximately 4.7 miles southeast of downtown Hallsville, Texas, and is generally bounded on the north by Interstate Highway 20; on the east by FM 3251; on the south by Red Oak Road; and on the west by Finklea Road. The total requested area includes approximately 447 acres and 3 current customers.

See enclosed map showing the requested area.

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.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. **50814**

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. 50814

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 _____