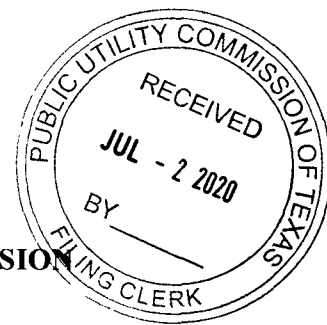


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DOCKET NO. 50816

**APPLICATION OF VINTON HILLS
ALEGRE LLC AND VILLAGE OF
VINTON FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN EL PASO
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 May 5, 2020, Vinton Hills Alegre, LLC (Vinton Hills) and the Village of Vinton (Village of Vinton) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in El Paso County. The Applicants request approval to sell and transfer all of the assets and facilities currently held under Vinton Hills' Certificate of Convenience and Necessity (CCN) No. 12563 to Village of Vinton's CCN No. 13269. The requested transfer area includes 310 acres and 299 connections. On June 11, 2020, the Applicants filed an amendment to the application in order to clarify the request.

On June 4, 2020, Order No. 2 in this proceeding was issued, requiring Staff to file a recommendation on the administrative completeness of the application and proposed notice and to propose a procedural schedule by July 2, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the amended application and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the amended application be found administratively complete for further processing. Staff does not comment on the merits of the application at this time.

III. NOTICE

In accordance with Staff's recommendation of administrative completeness, Staff recommends that the Applicants proceed with providing public notice as required under 16 Texas Administrative Code (TAC) §§ 24.235 and 24.239(a)-(c). Specifically, Staff recommends that the Applicants use the attached *Notice to Current Customers, Neighboring Systems, and Cities* form to provide notice by first-class mail to the parties detailed in Ms. Mathis' memorandum. Additionally, Staff recommends that the Applicants file the attached *Affidavit of Notice* form upon completion of notice, as detailed in the proposed procedural schedule below.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice and maps sent to the affected parties	August 3, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	August 17, 2020
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

Staff recommends that the amended application be found administratively complete, that the Applicants proceed with providing public notice as detailed in Ms. Mathis' attached memorandum, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: July 2, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 50816

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 2, 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: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

Date: July 2, 2020

Subject: **Docket No. 50816**, *Application of Vinton Hills Alegre LLC and Village of Vinton for Sale, Transfer, or Merger of Facilities and Certificate Rights in El Paso County*

On May 5, 2020, the Village of Vinton (Village of Vinton or Purchaser) and the Vinton Hills Alegre, LLC (Vinton Hills or Seller) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in El Paso County under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Village of Vinton, Certificate of Convenience and Necessity (CCN) No. 13269, seeks approval to acquire facilities and to transfer all of Vinton Hills Alegre water CCN No. 12563. The requested area includes approximately 310 acres and 299 current customers.

Staff has reviewed the information filed by the Applicants and recommends that the application be deemed administratively complete. Staff further recommends the Applicant be ordered 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:
 - *City of El Paso*
 - *El Paso County (CCN No. 12127)*
 - *El Paso County Water Improvement District 1*
 - *El Paso East Lake Inc. (CCN No. 12943)*
 - *El Paso Water Utilities Public Service Board (CCN No. 10211)*
 - *Green Acres MHP-Riverview Estates (CCN No. 11785)*
 - *Town of Anthony*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *El Paso County Judge*
 - c. 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/wuic/>.

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

Notice to Current Customers, Neighboring Systems, and Cities

VILLAGE OF VINTON, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13269, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12563 FROM VINTON HILLS ALEGRE, LLC IN EL PASO COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 20____
(Name of Customer, Neighboring System, or City)

(Address)

(City) State Zip)

<u>Village of Vinton</u>	<u>436 E. Vinton Road</u>	<u>Vinton, TX</u>	<u>79281</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Vinton Hills Alegre, LLC water facilities and to transfer water certificated service area under CCN No. 12563 and Vinton Hills Alegre, LLC, in El Paso County, TX from:

<u>Vinton Hills Alegre, LLC</u>	<u>P.O. Box 428</u>	<u>Anthony, NM</u>	<u>88021-0428</u>
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: Vinton Village Estates, Vinton Alegre Estates, Vinton Hills Subdivision.

The requested area subject to this transaction is located in downtown Village of Vinton, Texas, and is generally bounded on the north by Valley Chile Road; on the east by Lovena Road; on the south by Cap Carter Road; and on the west by State Highway 20. The total requested area for the water or sewer CCN(s) being transferred includes approximately 310 acres and 299 current customers. **See enclosed map showing the requested area.**

This transaction will have the following effect on the current customers' rates and services: All of the customers will be charged different rates than they were charged before the transaction.

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 final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Updated: April 13, 2020

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

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 50816

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual
notice to the following entities 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 for 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 _____

Updated: April 13, 2020