



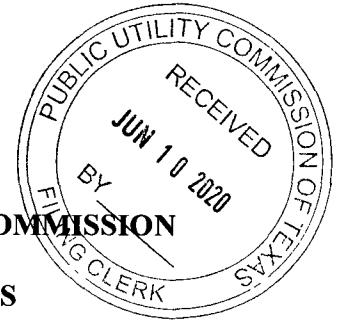
Control Number: 50819



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 50819



**APPLICATION OF SHEROLL
RICHARDSON, ADMINISTRATOR OF
THE ESTATE OF HERB MADISON
AND SHEROLL AND ROGER
RICHARDSON DBA NORTHTOWN
ACRES WATER SUPPLY FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN NAVARRO COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness, Proposed Notice, and Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On May 5, 2020, Sheroll Richardson, administrator of the Estate of Herb Madison (Estate) and Sheroll and Roger Richardson dba Northtown Acres Water Supply (Northtown Acres) (collectively, Applicants) filed an application for an amendment of a Certificate of Convenience and Necessity (CCN) and Sale, Transfer, or Merger (STM) of facilities and certificate rights in Navarro County, Texas. The Applicants seek approval to acquire facilities and to transfer all of Northtown Acres' water CCN No. 11704 from the Estate to Northtown Acres. The area to be transferred is currently certificated to Northtown Acres and includes approximately 1,810 acres and 167 current customers. The uncertificated area being requested in this application, located within the North Petty Chapel Subdivision, includes approximately 232 acres and 44 current customers. The total requested area is approximately 2,042 acres and 211 current customers.

On May 20, 2020, the administrative law judge (ALJ) issued Order No. 1, establishing a deadline of June 10, 2020, for Staff to file comments on the administrative completeness of the application and proposed notice, and a deadline of June 24, 2020, for the Applicants and Staff to

file a recommendation regarding how to proceed with the application and propose a procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and information filed by the Applicants, and, as detailed in the attached memorandum from Patrica Garcia, Infrastructure Division, recommends that it be found administratively complete and accepted for filing. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

III. NOTICE

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, persons, political subdivisions, and other entities listed in the attached memorandum using the notice provided by Ms. Garcia. Along with each individual notice, Staff recommends that Northtown Acres provide an accurate map delineating the requested service area. Staff further recommends that the Applicants publish notice of the application for two consecutive weeks in a newspaper of general circulation in Navarro County.¹

Within 30 days of the provision of notice, Staff recommends that Northtown Acres file proof of notice as described in the attached memorandum. Finally, Staff recommends that Northtown Acres use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for Northtown Acres 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	July 10, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	July 17, 2020

¹ Staff is only recommending newspaper notice of the uncertificated area containing the North Petty Chapel subdivision; Staff is not recommending newspaper notice for the area that is already certificated.

Deadline to intervene	Thirty (30) days after notice is issued
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V. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the application be found administratively complete, that the Applicants be directed to provide notice as detailed in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: June 10, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Taylor P. Denison
Taylor P. Denison
State Bar No. 24116344
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
taylor.denison@puc.texas.gov

DOCKET NO. 50819

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 June 10, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison
Taylor P. Denison

PUC Interoffice Memorandum

To: Taylor Denison, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Fred Bednarski III, Financial Analyst
Rate Regulation Division

Date: June 10, 2020

Subject: **Docket No. 50819** *Application of Sheroll Richardson, Administrator of the Estate of Herb Madison and Sheroll and Roger Richardson dba Northtown Acres Water Supply for Sale, Transfer, or Merger of Facilities and Certificate Rights in Navarro County*

On May 5, 2020, Sheroll Richardson, administrator of the Estate of Herb Madison (Estate) and Sheroll and Roger Richardson dba Northtown Acres Water Supply (Northtown Acres) (collectively, Applicants) filed an application for an amendment of a Certificate of Convenience and Necessity (CCN) and Sale, Transfer, or Merger (STM) of facilities and certificate rights in Navarro County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and § 13.301 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237 and § 24.239.

Specifically, the Applicants seek approval to acquire facilities and to transfer all of Northtown Acres' water CCN No. 11704 from the Estate to Northtown Acres. The requested area currently certificated to Northtown Acres and subject to the proposed transfer includes approximately 1,810 acres and 167 current customers. The additional, uncertificated area being requested in this application, located within the North Petty Chapel Subdivision, includes approximately 232 acres and 44 current customers. The total area being requested in this application is approximately 2,042 acres and 211 current customers.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the information filed by the Applicants and recommend that the application be deemed administratively complete. Staff further recommends the Applicants 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:
 - *Chatfield WSC (CCN No. 11086)*
 - *City of Corsicana (CCN No. 10776)*
 - *City of Rice*
 - *Northcrest Water System (CCN No. 12222)*
 - *Rice Water Supply and Sewer Service Corporation (CCN No. 10808)*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Navarro County Judge*

- c. Any affected customers, and other affected parties in both the certificated and uncertificated areas.
- d. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the uncertificated requested area within the *North Petty Chapel Subdivision*. 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.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.twd.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://www4.tceq.texas.gov/twd/>.

- 2. Publish notice in a newspaper having general circulation in the county where the uncertificated requested area within the *North Petty Chapel Subdivision* 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 notices and proof of notice using the attached notices 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.

Notice to Current Customers, Neighboring Systems, and Cities for North Town Acres Subdivision

SHEROLL AND ROGER RICHARDSON DBA NORTHTOWN ACRES WATER SUPPLY
NOTICE OF INTENT TO TRANSFER THE WATER FACILITIES AND TO TRANSFER
WATER SERVICE AREA UNDER CCN NO. 11704 FROM NORTHTOWN ACRES WATER
SUPPLY IN NAVARRO COUNTY, TEXAS

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

(Address)

(City) State Zip

Sheroll and Roger Richardson dba Northtown Acres Water Supply
(Purchaser's Name)

18770 FM 709 N Dawson, TX 76639-3003
(Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase water facilities and to transfer water certificated service area under CCN No. 11704 in Navarro County, TX from:

Northtown Acres Water Supply 18770 FM 709 N Dawson, TX 76639-3003
(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:
North Town Acres.

The requested area is located approximately 3 miles northwest of downtown Corsicana, Texas, and is generally bounded on the north by Chambers Creek; on the east by IH 45; on the south by NW County Road 0001; and on the west by NW County Road 0010. The total requested area includes approximately 1,810 acres and 167 current customers. **See enclosed map showing the requested area.**

This transaction will not have an effect on the current customer's rates and services.

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.

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 FOR *NORTH TOWN ACRES*
DOCKET NO. 50819

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 _____

Notice to Neighboring Systems, Landowners, Customers and Cities for North Petty Chapel Subdivision

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

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

(Address)

(City State Zip)

Sheroll and Roger Richardson dba Northtown Acres Water Supply has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11704 for the provision of retail water utility service in Navarro County.

The requested area includes the following subdivision: North Petty Chapel

The requested area is located approximately 2 mile(s) northeast of downtown Corsicana, Texas, and is generally bounded on the north by NW County Road 0100; on the east by NE County Road 0080; on the south by FM 2041 aka W. Roane Road; and on the west by IH 45. The total requested area includes approximately 232 acres and 44 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.

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.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES FOR *NORTH PETTY CHAPEL*

DOCKET NO. **50819**

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 _____

Updated: April 13, 2020

Notice for Publication

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

Sheroll and Roger Richardson dba Northtown Acres Water Supply has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11704 for the provision of retail water utility service in Navarro County.

The requested area includes the following subdivision: North Petty Chapel

The requested area is located approximately 2 mile(s) northeast of downtown Corsicana, Texas, and is generally bounded on the north by NW County Road 0100; on the east by NE County Road 0080; on the south by FM 2041 aka W. Roane Road; and on the west by IH 45. The total requested area includes approximately 232 acres and 44 current customers.

A copy of the map showing the requested area is available at: Office of North Town Acres, 18770 FM 709 N, Dawson, TX 76639-3003

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.

Updated: April 13, 2020

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 50819

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 _____