



Control Number: 50861



Item Number: 11

Addendum StartPage: 0

DOCKET NO. 50861



**APPLICATION OF MANVILLE
WATER SUPPLY CORPORATION TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
LEE COUNTY**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this Second Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application, as supplemented, be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On May 18, 2020, Manville Water Supply Corporation (Manville WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11144 in Lee County. The requested service area consists of 9,322 acres and 54 customer connections. Manville WSC supplemented its application on June 10, July 30, and August 11, 2020.

On August 10, 2020, the administrative law judge (ALJ) issued Order No. 3, establishing a deadline of October 9, 2020 for Staff to file its supplemental recommendation on the administrative completeness of the application and a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Manville WSC, and as detailed in the attached memoranda of Jolie Mathis, Infrastructure Division, and Fred Bednarski, Rate Regulation Division, Staff recommends that the application be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that the application content is complete for further processing.

III. NOTICE

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

Further, Staff recommends that Manville WSC file proof of notice as described in the attached memorandum and proof of newspaper publication, including tear sheets. Finally, Staff recommends that Manville WSC use the attached affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively complete; therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for Manville WSC 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 and published in a newspaper of general circulation	November 23, 2020
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	December 7, 2020
Deadline to intervene	30 days after notice is issued

V. REQUEST TO RESTYLE THE DOCKET

As currently styled, this docket indicates that the requested service area is exclusively in Lee County. After reviewing the application, Staff recommends that the docket be restyled to reflect that the requested service area is in both Lee and Williamson Counties. Staff respectfully requests that the docket be restyled to: *“Application of Manville Water Supply Corporation to Amend its Certificate of Convenience and Necessity in Lee and Williamson Counties.”*

VI. CONCLUSION

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

Dated: October 9, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Daniel Moore

Daniel Moore
State Bar No. 24116782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711
(512) 936-7465
(512) 936-7268 (facsimile)
Daniel.Moore@puc.texas.gov

DOCKET NO. 50861

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 October 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: October 09, 2020

RE: Docket No. 50861 – *Application of Manville Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Lee County*

On May 18, 2020, Manville Water Supply Corporation filed an application to amend its water Certificate of Convenience and Necessity in Lee County, Texas under the provisions of Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

I reviewed the answers and supplemental information provided 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, as supplemented, be deemed administratively complete from a financial perspective.

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: October 9, 2020

RE: **Docket No. 50861**, *Application of Manville Water Supply Corporation to Amend its Certificate of Convenience and Necessity in Lee County*

On May 18, 2020, Manville Water Supply Corporation (Manville WSC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11144 in Lee County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the additional information filed by Manville WSC on June 10, 2020, July 30, 2020, and August 11, 2020 and recommend that the application be deemed administratively complete. Staff further recommends that Manville WSC 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:
 - *Aqua WSC (CCN No. 10294)*;
 - *Brazos River Authority*; and
 - *Lower Colorado River Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Lee County Judge*; and
 - *Williamson County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Lost Pines Groundwater Conservation District*
- d. Each landowner 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.

- e. Any affected customers or other affected parties in the requested area.

Addresses can be obtained by Manville WSC from the Water Utility Database, <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) website, <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 a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

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 Manville WSC. Manville WSC will have 20 days from the receipt of the RFI to respond.

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY SERVICE IN LEE AND WILLIAMSON
COUNTIES, TEXAS**

Manville Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11144 for the provision of retail Water utility service in Lee and Williamson Counties.

The requested area overlaps the district boundaries of the Brazos River Authority and Lower Colorado River Authority. If Brazos River Authority and Lower Colorado River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the Manville Water Supply Corporation's request to provide retail Water utility service in the requested area.

The requested area is located approximately 4.5 miles northeast of downtown Elgin, Texas, and is generally bounded on the north by CR 491; on the east by County Road 304; on the south by FM 696; and on the west by intersection of N. County Line and CR 463. The total requested area includes approximately 9,322 acres and 54 current customers.

A copy of the map showing the requested area is available at: 13805 South SH 95
Coupland, TX 78615

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 LEE AND WILLIAMSON
COUNTIES, TEXAS

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

(Address)

(City State Zip)

Manville Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11144 for the provision of retail Water utility service in Lee and Williamson Counties.

The requested area overlaps the district boundaries of the Brazos River Authority and Lower Colorado River Authority. If Brazos River Authority and Lower Colorado River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the Manville Water Supply Corporation's request to provide retail Water utility service in the requested area.

The requested area is located approximately 4.5 miles northeast of downtown Elgin, Texas, and is generally bounded on the north by CR 491; on the east by County Road 304; on the south by FM 696; and on the west by intersection of N. County Line and CR 463. The total requested area includes approximately 9,322 acres and 54 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

DOCKET NO. **50861**

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. 50861

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 _____