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DOCKET NO. 51005

**APPLICATION OF OLAN JOHNSON §
DBA NORTH UNIVERSITY ESTATES §
WATER COMPANY AND §
INTERMEDIARY SOLUTIONS §
HOLDING, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN LUBBOCK COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF’S SUPPLEMENTAL 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 in response to Order No. 3, files this Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On July 6, 2020, Olan Johnson dba North University Estates Water Company (Olan Johnson) and Intermediary Solutions Holding, LLC (ISH) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Lubbock County. ISH seeks approval to acquire facilities and to transfer Olan Johnson’s water service area held under Certificate of Convenience and Necessity (CCN) No. 12179. The requested area includes approximately 106 acres and 192 connections. On August 25, 2020, Applicants filed a supplement to the application.

On August 18, 2020, the administrative law judge (ALJ) issued Order No. 3, finding the application incomplete and deficient and requiring Staff to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule by October 16, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Applicants and, as detailed in the attached memorandum from Reginald Tuvilla of the Commission's 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 Mr. Tuvilla. Along with each individual notice, Staff recommends that Applicants provide an accurate map delineating the requested service area. In addition, Staff recommends that Applicants publish notice in a newspaper of general circulation in the counties where the uncertificated requested area is located for two consecutive weeks.

Staff further recommends that Applicants file proof of individual notice as described in the attached memorandum and proof of newspaper publication, including tear sheets. Finally, Staff recommends that the Applicants 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 Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties	December 16, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	December 30, 2020
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

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: October 16, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Kourtnee Jinks
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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 October 16, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Reginald Tuvilla, Infrastructure Analyst
Infrastructure Division

Date: October 16, 2020

Subject: **Docket No. 51005** - *Application of Olan Johnson dba North University Estates Water Company and Intermediary Solutions Holdings, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Lubbock County*

On July 6, 2020, Intermediary Solutions Holding, LLC (ISH) and the Olan Johnson dba North University Estates Water Company (Olan Johnson) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Lubbock County, Texas, pursuant to Texas Water Code (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239.

Specifically, ISH seeks approval to acquire facilities and to transfer all of Olan Johnson's water CCN No. 12179. The requested area includes approximately 106 acres and 192 connections.

On August 25, 2020, ISH and Olan Johnson provided the supplemental information to the application as recommend by Staff.

Staff from the Infrastructure Division have reviewed the information filed by ISH and Olan Johnson and recommend that the application be deemed administratively complete. Staff further recommends the ISH and Olan Johnson 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 Lubbock (CCN No. 10627)*
 - *Brazos River Authority*
 - *Canadian River Municipal Water Authority*
 - *City of New Deal*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Lubbock County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *High Plains Underground Water Conservation District*
 - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by ISH and Olan Johnson 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://www14.tceq.texas.gov/iwud/>.

- 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.

Notice to Current Customers, Neighboring Systems, and Cities

INTERMEDIARY SOLUTIONS HOLDING, LLC, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12179 FROM 12179 IN LUBBOCK COUNTY, TEXAS

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

(Address)

(City State Zip)

Intermediary Solutions Holding, LLC 5729 Lebanon Rd Suite 144/211 Frisco, TX 75034
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Olan Johnson dba North University Estates Water Company's water facilities and to transfer water certificated service area under CCN No. 12179, in Lubbock County, TX from:

Olan Johnson dba North University Estates Water Company 3704 44th St. Lubbock, TX 79413
(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 requested area subject to this transaction is located approximately 8 miles northwest of downtown Lubbock, Texas, and is generally bounded on the north by FM 1294; on the east by FM 1264; on the south by CR 2100; and on the west by CR 2100. The total requested area for the water or sewer CCN(s) being transferred includes approximately 140 acres and 192 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
DOCKET NO. 51005

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 _____