



Control Number: 51031



Item Number: 23

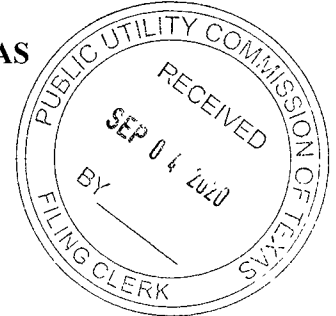
Addendum StartPage: 0

DOCKET NO. 51031

**APPLICATION OF COUNCIL CREEK §
VILLAGE, INC. DBA COUNCIL §
CREEK VILLAGE DBA SOUTH §
COUNCIL CREEK 2 AND CSWR §
TEXAS UTILITY OPERATING §
COMPANY, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BURNET 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. 4, files this Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule. Staff recommends that the application be found administratively complete at this time. In support thereof, Staff shows the following:

I. BACKGROUND

On July 8, 2020, Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 (Council Creek) and CSWR Texas Utility Operating Company, LLC (CSWR) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Burnet County. The requested area includes approximately 275 acres and 176 connections. Supplemental application materials were filed on July 14, 2020, July 20, 2020, and August 7, 2020.

On August 26, 2020, the administrative law judge (ALJ) issued Order No. 4, requiring Staff to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, by September 23, 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 Patricia 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 Applicants provide an accurate map delineating the requested service area.

Within 30 days of the provision of notice, Staff recommends that the Applicants file proof of notice as described in the attached memorandum. 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. Staff therefore 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	October 23, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	November 6, 2020
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

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

Dated: September 4, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Megan Chalifoux
Megan Chalifoux
State Bar No. 24073674
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
megan.chalifoux@puc.texas.gov

DOCKET NO. 51031

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 September 4, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux
Megan Chalifoux

Public Utility Commission of Texas

Memorandum

To: Megan Chalifoux, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: September 4, 2020

Subject: **Docket No. 51031**, *Application of Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 and CSWR Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*

On July 8, 2020, CSWR Texas Utility Operating Company, LLC (CSWR or Purchaser) and the Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 (Council Creek or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Burnet County, Texas, pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, seeks approval to acquire facilities and to transfer all of Council Creek's water Certificate of Convenience and Necessity (CCN) No. 11118. The requested area includes approximately 275 acres and 176 connections.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the information filed by the Applicant and recommend 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:
 - *Corix Utilities Texas Inc. (CCN No. 13227)*
 - *Lower Colorado River Authority*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Burnet County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Central Texas Groundwater Conservation District*
 - 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://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.

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

CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN NO.) 13290, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 11118 FROM COUNCIL CREEK VILLAGE, INC. IN BURNET COUNTY, TEXAS

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

(Address)

(City State Zip)

CSWR-Texas Utility Operating Company, LLC 1650 Des Peres Rd, Suite 303
(Purchaser's Name) (Address)
St. Louis, MO 63131
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Council Creek Village, Inc. water facilities and to transfer water certificated service area under CCN No. 11118, in Burnet County, TX from:

Council Creek Village, Inc. P.O. Box 9500 Austin, TX 78766
(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: Council Creek Village, Council Creek South, South Silver Creek Village.

The requested area subject to this transaction is located approximately 8 miles northwest of downtown Burnet, Texas, and is generally bounded on the north by Baker Lane; on the east by Ranch Road 2341; on the south by CR 114; and on the west by Lake Buchanan. The total requested area for the water CCN being transferred includes approximately 275 acres and 176 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. 51031

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