



Control Number: 51161



Item Number: 3

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**DOCKET NO. 51161**

**APPLICATION OF POSSUM  
KINGDOM WATER SUPPLY  
CORPORATION TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN PALO PINTO  
COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS, PROPOSED NOTICE, AND PROPOSED 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 Proposed Procedural Schedule. Staff recommends that the application be found sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 12, 2020, Possum Kingdom Water Supply Corporation (PKWSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12890 in Palo Pinto County. The requested service area consists of 1,096 acres and 168 current connections.

On August 13, 2020, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the application and proposed notice by September 11, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application, and as detailed in the attached memoranda of Patricia Garcia, Infrastructure Division, and Fred Bednarski, Rate Regulation Division, Staff recommends that the application be found administratively complete and accepted for filing. PKWSC has provided proof that it has submitted plans and specifications for the proposed booster pump station and distribution system needed to serve the requested area to the Texas Commission on Environmental Quality (TCEQ) but has not yet received TCEQ approval for its plans. Staff cannot recommend final approval of the application until proof of TCEQ approval is filed; however, what has been provided is sufficient for Staff to recommend 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 is complete for further processing.

### **III. NOTICE**

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

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

### **IV. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for PKWSC 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	October 26, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	November 5, 2020
Deadline to intervene	30 days after notice is issued

### **V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that PKWSC be directed to provide notice as detailed above and in Ms. Garcia's memorandum, and that the procedural schedule proposed above be adopted.

Dated: September 11, 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. 51161**

**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 11, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore  
Daniel Moore

# *Public Utility Commission of Texas*

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## **Memorandum**

**To:** Daniel Moore, Attorney  
Legal Division

**From:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**Date:** September 11, 2020

**Subject:** **Docket No. 51161**, *Application of Possum Kingdom Water Supply Corporation to Amend a Certificate of Convenience and Necessity in Palo Pinto County*

On August 12, 2020, Possum Kingdom Water Supply Corporation (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12890 in Palo Pinto County, Texas, under 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 information filed by the Applicant and recommend that the application be deemed administratively complete. Staff further recommends that 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:
    - *Brazos River Authority*; and
    - *Fort Belknap WSC (CCN No. 11042)*
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - *Palo Pinto County Judge*
  - c. 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.
  - d. Any affected customers or other affected parties in the requested area.

Addresses can be obtained by the Applicant 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. 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 notice using the attached notice forms.
- 4) Provide a copy of 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 for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter for the plans and specifications and distribution system from TCEQ once it is received. Applicant must file the approval letters prior to Staff making a final recommendation on the application.

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 (RFIs) to the Applicant. The Applicant will have 20 days from the receipt of the RFI to respond.

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# *Public Utility Commission of Texas*

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## **Memorandum**

**To:** Daniel Moore, Attorney  
Legal Division

**From:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**Date:** September 11, 2020

**Subject:** **Docket No. 51161**, *Application of Possum Kingdom Water Supply Corporation to Amend a Certificate of Convenience and Necessity in Palo Pinto County*

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On August 12, 2020 Possum Kingdom Water Supply Corporation filed an application to amend its water Certificate of Convenience and Necessity in Palo Pinto 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 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 be deemed administratively complete from a financial perspective.

***Notice for Publication***

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

Possum Kingdom Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12890 for the provision of retail water utility service in Palo Pinto County.

The requested area is located approximately 8 miles west of downtown Graford, Texas, and is generally bounded on the north by The Hills Over PK Lake Subdivision; on the east by a line approximately 2 miles west of Dark Valley Creek; on the south by State Highway 16; and on the west by State Highway 16. The total requested area includes approximately 1,096 acres and 168 current customers.

**A copy of the map showing the requested area is available at:** Possum Kingdom Water Supply Corporation Office, 1170 Willow Road, Graford, Texas 76449

*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, the 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 PALO PINTO COUNTY,  
TEXAS

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

Possum Kingdom Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12890 for the provision of retail water utility service in Palo Pinto County.

The requested area is located approximately 8 miles west of downtown Graford, Texas, and is generally bounded on the north by The Hills Over PK Lake Subdivision; on the east by a line approximately 2 miles west of Dark Valley Creek; on the south by State Highway 16; and on the west by State Highway 16. The total requested area includes approximately 1,096 acres and 168 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.*

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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. **51161**

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 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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 51161

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 \_\_\_\_\_