



Control Number: 51359



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DOCKET NO. 51359

**APPLICATION OF G&W WATER §
SUPPLY CORPORATION AND THE §
CITY OF HEMPSTEAD FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN WALLER COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 APR -7 AM 10:57

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

On September 23, 2020, G&W Water Supply Corporation (G&W WSC) and the City of Hempstead (City of Hempstead) (collectively, Applicants) filed an application for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Waller County. City of Hempstead seeks approval to acquire facilities and to decertify a portion of water service area from G&W WSC under water certificate of convenience and necessity (CCN) No. 12391. The requested area includes approximately 120 acres and 0 connections. The Applicants filed supplemental information on October 28, 2020; on December 15, 16, and 21, 2020; and on January 15 and 22, 2021.

On March 8, 2021, the administrative law judge (ALJ) filed Order No. 6, granting the Staff of the Public Utility Commission of Texas's (Staff) request for an extension and establishing a deadline of March 19, 2021, for Staff to file a supplemental recommendation on administrative completeness and proposed notice.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice provided by Ms. Mathis. Along with each individual

notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area. Because the requested area will be decertified as a result of the transaction and will remain uncertificated, Staff further recommends that the Applicants publish notice of the application for two consecutive weeks in a newspaper of general circulation in Waller County.

Once notice has been provided, Staff recommends that the Applicants file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided and the date that the notice was provided as well as a publisher's affidavit and tear sheets. Finally, Staff recommends that the applicants use the attached notices and affidavits to meet these requirements.

III. 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	May 17, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	May 27, 2021
Deadline to intervene	Thirty (30) days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff 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 procedural schedule proposed above be adopted. Staff respectfully requests entry of an order consistent with these recommendations.

Dated: April 7, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ **Kevin R. Bartz**

Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
kevin.bartz@puc.texas.gov

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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 April 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ **Kevin R. Bartz**

Kevin R. Bartz

Docket No. 51359

Notice to Current Customers, Landowners, Neighboring Systems, and Cities
CITY OF HEMPSTEAD, NOTICE OF INTENT TO TRANSFER FACILITIES AND
DECERTIFY A PORTION OF WATER SERVICE AREA UNDER CCN NO. 12391 FROM
G & W WATER SUPPLY CORPORATION IN WALLER COUNTY TEXAS

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

(Address)

(City State Zip)

<u>City of Hempstead</u>	<u>1125 Austin Street</u>	<u>Hempstead, TX</u>	<u>77445</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase and transfer facilities, and decertify a portion of G & W Water Supply Corporation's water certificated service area under CCN No. 12391, in Waller County, TX from:

<u>G & W Water Supply Corporation</u>	<u>P.O. Box 1219</u>	<u>Waller, TX</u>	<u>77484-1219</u>
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:
Club Lakeview.

The requested area subject to the transaction is located approximately 1.3 miles northwest of downtown Hemstead, Texas, and is generally bounded on the north by Whit Loggins Road; on the east by Howth Road; on the south by US Highway 290; and on the west by Jones Road. The total requested area subject to the transaction includes approximately 120 acres and 0 current customers.

The requested area includes approximately 120 acres comprised of transferred area from G & W WSC's CCN No. 12391. The result of the application will be the subtraction of approximately 120 acres from G & W WSC's CCN No. 12391. The City of Hempstead has no water CCN.

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.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the uncertificated 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.

Utility Representative

Utility Name

Notice for Publication

CITY OF HEMPSTEAD, NOTICE OF INTENT TO TRANSFER FACILITIES AND
DECERTIFY A PORTION OF WATER SERVICE AREA UNDER CCN NO. 12391 FROM
G & W WATER SUPPLY CORPORATION IN WALLER COUNTY TEXAS

City of Hempstead	1125 Austin Street	Hempstead, TX	77445
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase and transfer facilities, and decertify a portion of G & W Water Supply Corporation's water certificated service area under CCN No. 12391, in Waller County, TX from:

G & W Water Supply Corporation	P.O. Box 1219	Waller, TX	77484-1219
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:
Club Lakeview.

The requested area subject to the transaction is located approximately 1.3 miles northwest of downtown Hemstead, Texas, and is generally bounded on the north by Whit Loggins Road; on the east by Howth Road; on the south by US Highway 290; and on the west by Jones Road. The total requested area subject to the transaction includes approximately 120 acres and 0 current customers.

The requested area includes approximately 120 acres comprised of transferred area from G & W WSC's CCN No. 12391. The result of the application will be the subtraction of approximately 120 acres from G & W WSC's CCN No. 12391. The City of Hempstead has no water CCN.

A copy of the map showing the requested area is available at: 1125 Austin Street,
Hempstead, TX 77445

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.

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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.

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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. 51359

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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 51359

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 _____

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 7, 2021

RE: Docket No. 51359 – *Application of G&W Water Supply Corporation and the City of Hempstead for Sale, Transfer, or Merger of Facilities and Certificate Rights in Waller County*

On September 23, 2020, the City of Hempstead and the G & W Water Supply Corporation (G & W WSC) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Waller 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 City of Hempstead seeks approval to transfer facilities and decertify a portion of water certificated service area from G & W WSC's water certificate of convenience and necessity (CCN) No. 12391) to the City of Hempstead. The City of Hempstead has no water CCN and is not seeking to obtain a water CCN with this application.

The requested area includes approximately 120 acres comprised of transferred area from G & W WSC's CCN No. 12391. The result of the application will be the subtraction of approximately 120 acres from G & W WSC's CCN No. 12391.

The application indicates that the total acreage being requested is approximately 119 acres. Based on the mapping review of the maps and digital data filed by G & W WSC on December 21, 2020 by Tracy Montes, Infrastructure Division, she determined the requested area is approximately 120 acres.

Based on the mapping review by Tracy Montes, Infrastructure Division, the financial and managerial review by Fred Bednarski, Rate Regulation Division, and my technical and managerial review of the additional information filed on January 22, 2021, I recommend that the application be deemed administratively complete. I further recommend that 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:
 - *Brazos River Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Waller County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Bluebonnet Groundwater Conservation District*
- d. Each owner 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, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <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, City of Hempstead 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 form(s).
- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, and 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 the City of Hempstead and G & W WSC. The City of Hempstead and G & W WSC will have 20 days from the receipt of the RFI to respond.