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**DOCKET NO. 51544**

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PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**APPLICATION OF FRANKLIN WATER §  
SERVICE CO. LLC AND CSWR-TEXAS §  
UTILITY OPERATING COMPANY, §  
LLC FOR SALE, TRANSFER, OR §  
MERGER OF FACILITIES AND §  
CERTIFICATE RIGHTS IN LUBBOCK §  
COUNTY §**

**COMMISSION STAFF’S SECOND SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS, PROPOSED NOTICE,  
AND PROPOSED PROCEDURAL SCHEDULE**

On November 20, 2020, Franklin Water Service Co. (Franklin) and CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) (collectively, the applicants) filed an application with the Public Utility Commission of Texas (Commission) for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Lubbock County. The applicants seek approval to transfer all facilities and water service area held by Franklin under water CCN number 12374 to CSWR-Texas’ water CCN number 13290. The requested area includes approximately 186 acres and 219 connections. The applicants filed supplemental information on November 23, 2020, January 4, 2021, January 5, 2021, and February 22, 2021 and April 1, 2021.

On March 5, 2021, the administrative law judge filed Order No. 5, requiring Commission Staff (Staff) to file a supplemental recommendation on administrative completeness and to propose a procedural schedule by April 30, 2021. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the supplemented application and, as detailed in the attached memorandum from Alicia Maloy, Infrastructure Division, recommends that the application is administratively complete as supplemented. 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, persons, political subdivisions, neighboring utilities, and other entities listed

in the attached memorandum from Ms. Maloy using the attached notice forms. Staff recommends that the applicants provide an accurate map delineating the requested service area along with each individual notice.

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, the date that the notice was provided, and a copy of the map and notice provided. Staff recommends that the applicants use the attached notice and affidavit forms to meet these requirements.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Deadline for the 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 31, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	June 14, 2021
Deadline to intervene	Thirty (30) days after notice is issued

### **IV. CONCLUSION**

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 above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: April 30, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

/s/Courtney Dean  
\_\_\_\_\_  
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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 on April 30, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/Courtney Dean  
\_\_\_\_\_  
Courtney N. Dean

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Courtney Dean, Attorney  
Legal Division

**FROM:** Alicia Maloy, Senior Infrastructure Analyst  
Infrastructure Division

**DATE:** April 30, 2021

**RE:** Docket No. 51544 – *Application of Franklin Water Service Co. LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Lubbock County*

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CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and the Franklin Water Service Co. (Franklin) (collectively, the applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Lubbock County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, the applicants seek to transfer all facilities and water service area currently held under Franklin's water certificate of convenience and necessity (CCN) number 12374 to CSWR-Texas' water CCN number 13290. The requested area includes approximately 186 acres and 219 connections.

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 February 22, 2021 and April 1, 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:
    - *City of Lubbock (CCN No. 10627)*
    - *Brazos River Authority*
    - *Canadian River Municipal Water Authority*
  - 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 (UWCD) No. 1*
  - d. 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) Provide notice using the attached notice form(s).
- 3) 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, and customers.
- 4) 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.

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 CSWR-Texas and Franklin. CSWR-Texas and Franklin will have 20 days from the receipt of the RFI to respond.

**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. 12374 FROM FRANKLIN WATER SERVICE CO. IN TARRANT 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 Franklin Water Service Co. water facilities and to transfer water certificated service area under CCN No. 12374 in Lubbock County, TX from:

Franklin Water Service Co. 401 N. Carroll Avenue, Ste. 156 Southlake, TX 76092  
(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 requested area subject to the transaction is located approximately 4.5 miles northeast of downtown Lubbock, Texas, and is generally bounded on the north by East Ursuline Street & County Road 6400; on the east by North County Road 2840; on the south by Idalou Road & East County Road 6430; and on the west by North Tulip Avenue. The total requested area includes approximately 186 acres and 219 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. 51544

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 \_\_\_\_\_