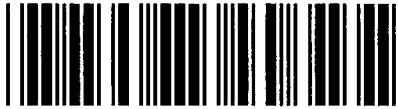




Control Number: 51660



Item Number: 7

Addendum StartPage: 0

**DOCKET NO. 51660**

RECEIVED

**APPLICATION OF PAMPA  
INVESTMENT GROUP, LP FOR A  
SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
IN BELL COUNTY**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

2021 MAR 23 AM 11:26

FILED IN CASE NO. 51660  
BY CLERK

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

On December 28, 2020, Pampa Investment Group, LP (Pampa) filed an application to obtain a sewer certificate of convenience and necessity in Bell County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested service area consists of approximately 218 acres, 0 existing connections, and 488 planned connections.

On January 29, 2021, the administrative law judge filed Order No. 2, finding the application administratively complete and setting a deadline of March 12, 2021 for Pampa 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 in Bell County. Pampa did not file proof of notice and instead filed revised mapping information on February 23, 2021 and March 2, 2021. Order No. 2 also set a deadline of March 23, 2021, for Staff to file a recommendation on sufficiency of notice. Staff therefore timely files this supplemental recommendation on administrative completeness and proposed notice in lieu of a recommendation on sufficiency of notice.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Pampa's revised mapping, and as detailed in the attached memorandum of Patricia Garcia of the Commission's Infrastructure Division, Staff recommends that the revised mapping be found administratively complete. The revised mapping increases the acreage in the requested area from 64 acres to 218 acres.

**II. NOTICE**

As detailed in Ms. Garcia's memorandum, Staff recommends that Pampa proceed with providing public notice. Specifically, Staff recommends that Pampa be directed to use the attached

revised *Notice for Publication* form to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Bell County. Staff further recommends that Pampa be directed to use the attached revised *Notice to Neighboring Systems, Landowners, Customers and Cities* form and to provide notice and a map of the revised requested area in the manner outlined in Ms. Garcia's memorandum. Finally, Staff recommends that Pampa file signed affidavits attesting that notice was issued by May 7, 2021, along with copies of the notices and maps sent to affected customers and persons and the tear sheets demonstrating newspaper publication.

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

Staff proposes the following procedural schedule:

Event	Date
Deadline for Pampa to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation in Bell County.	May 7, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	May 17, 2021
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

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

Dated: March 23, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ John Harrison  
John Harrison  
State Bar No. 24097806  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7277  
(512) 936-7268 (facsimile)  
John.Harrison@puc.texas.gov

**DOCKET NO. 51660**

**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 March 23, 2021 in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

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

**DATE:** March 23, 2021

**RE:** Docket No. 51660 – *Application of Pampa Investment Group, LP for a Sewer Certificate of Convenience and Necessity in Bell County*

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On December 28, 2020, Pampa Investment Group, LP (Pampa) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) in Bell County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Based on the mapping review by Gary Horton, Infrastructure Division, the financial and managerial review by Fred Bednarski, III, Rate Regulation Division, and my technical and managerial review of the additional information filed by Pampa on February 23, 2021 and March 2, 2021, I recommend that the application be deemed administratively complete. I further recommend Pampa 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*
    - *City of Belton (CCN No. 20444)*
    - *City of Salado*
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - *Bell County Judge*
  - c. Each groundwater conservation district that is wholly or partially included in the requested area:
    - *Clearwater Underground Water Conservation District*

- d. 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.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Pampa 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, Pampa 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 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, 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 Pampa. Pampa will have 20 days from the receipt of the RFI to respond.

***Notice for Publication***

**NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN BELL COUNTY, TEXAS**

Pampa Investment Group, LP has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) for the provision of retail sewer utility service in Bell County.

The requested area overlaps the district boundaries of the Brazos River Authority. If Brazos River Authority does not request a public hearing, the Commission shall determine that the district is consenting to Pampa Investment Group, LP's request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 2 mile(s) north-northeast of downtown Salado, Texas, and is generally bounded on the north by W. Amity Road; on the east by I-35; on the south by FM 2484; and on the west by Lark Trail.

The requested area includes approximately 218 acres, comprised of 218 acres of uncertificated area.

**A copy of the map showing the requested area is available at:** 149 Presa Drive Salado, Tx 76571

*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, 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 OBTAIN A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN BELL COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Neighboring System, Landowner, Customer or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City State Zip)

Pampa Investment Group, LP has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) for the provision of retail sewer utility service in Bell County.

The requested area overlaps the district boundaries of the Brazos River Authority. If Brazos River Authority does not request a public hearing, the Commission shall determine that the district is consenting to Pampa Investment Group's request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 2 mile(s) north-northeast of downtown Salado, Texas, and is generally bounded on the north by W. Amity Road; on the east by I-35; on the south by FM 2484; and on the west by Lark Trail.

The requested area includes approximately 218 acres, comprised of 218 acres of uncertificated area.

**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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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. 51660

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. 51660

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 \_\_\_\_\_