



Control Number: 51870



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 51870

APPLICATION OF FOREST GLEN	§	PUBLIC UTILITY COMMISSION
UTILITY COMPANY TO AMEND ITS	§	
SEWER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
MEDINA COUNTY	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS OF THE APPLICATION, PROPOSED NOTICE, AND
PROPOSED PROCEDURAL SCHEDULE**

On March 4, 2021, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 21070 in Medina County, Texas. Forest Glen filed supplemental information on March 5, 2021.

On March 5, 2021, the administrative law judge (ALJ) filed Order No. 1, requiring that Staff (Staff) of the Public Utility Commission of Texas (Commission) file its recommendation on administrative completeness of the application and proposed notice, and to propose a procedural schedule for the further processing of the application, on or before April 5, 2021.¹ Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Forest Glen's application and, as detailed in the attached memoranda of Fred Bednarski III of the Commission's Rate Regulation Division, and Jolie Mathis of the Commission's Infrastructure Division, recommends that the application be found administratively complete. This recommendation does not address the merits of the application.

II. NOTICE

As detailed in the attached memorandum of Ms. Mathis, Staff recommends that Forest Glen proceed with providing public notice to all landowners, neighboring utilities, political

¹ As provided by 16 Texas Administrative Code § 22.4, when computing any period of time by order of the Commission or an ALJ, or by any applicable statute, "the period shall begin on the last day of the designated period unless that day is a day the commission is not open for business, in which event the designated period runs until the end of the next day on which the commission is open for business." Order No. 1 in this docket set a deadline for Staff of April 4, 2021, which is a Sunday and a day the Commission is not open for business. The next day the Commission is open for business is April 5, 2021. Therefore, the appropriate deadline for this filing is April 5, 2021.

subdivisions, and other persons listed in the attached memorandum. Along with each individual notice, Staff recommends that Forest Glen provide an accurate map delineating the requested service area. Staff further recommends that Forest Glen publish notice of the application for two consecutive weeks in a newspaper of general circulation in Medina County.

In addition, Staff recommends that Forest Glen file proof of notice as described in the attached memorandum by Ms. Mathis, 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 provided with the notice. Forest Glen should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Forest Glen use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for further processing of the application:

Event	Date
Deadline to intervene	Thirty (30) days after notice is issued
Deadline for Forest Glen 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	May 6, 2021
Deadline for Staff to file a recommendation on sufficiency of notice.	May 20, 2021

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Forest Glen be directed to provide notice as detailed above, and that the proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: April 5, 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

DOCKET NO. 51870

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 5, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ *Kevin R. Bartz*

Kevin R. Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: April 5, 2021

RE: Docket No. 51870 - *Application of Forest Glen Utility Company to Amend its Sewer Certificate of Convenience and Necessity in Medina County*

On March 4, 2021, Forest Glen Utility Company filed an application to amend its sewer Certificate of Convenience and Necessity in Medina County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

Notice for Publication

**NOTICE OF APPLICATION FOR FOREST GLEN UTILITY COMPANY TO AMEND A
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY
SERVICE IN MEDINA COUNTY, TEXAS**

Forest Glen Utility Company has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 21070 for the provision of retail water utility service in Medina County, Texas.

The requested area includes 0 current customers, is located approximately 5.2 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957 (Potranco Road); on the east by intersection of Farm to Market 1957 and County Road 388; on the south by 1.3 miles south of Farm to Market 1957; and on the west by Barden Parkway.

The requested area includes approximately 405 acres of uncertificated area.

The result of the application will be the addition of approximately 405 acres to CCN No. 21070.

A copy of the map showing the requested area is available at: 7000 N. MoPac Expwy, Suite 200, Austin, TX 78731

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 FOR FOREST GLEN UTILITY COMPANY TO AMEND A
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY
SERVICE IN MEDINA COUNTY, TEXAS

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

(Address)

(City State Zip)

Forest Glen Utility Company has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 21070 for the provision of retail water utility service in Medina County, Texas.

The requested area includes 0 current customers, is located approximately 5.2 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957 (Potranco Road); on the east by intersection of Farm to Market 1957 and County Road 388; on the south by 1.3 miles south of Farm to Market 1957; and on the west by Barden Parkway.

The requested area includes approximately 405 acres of uncertificated area.

The result of the application will be the addition of approximately 405 acres to CCN No. 21070.

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.

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 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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 51870

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. 51870

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: March 31, 2021

RE: Docket No. 51870 – *Application of Forest Glen Utility Company to Amend its Sewer Certificates of Convenience and Necessity in Medina County*

On March 4, 2021, Forest Glen Utility Company (Forest Glen) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer CCN No. 21070 in Medina 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 area includes approximately 405 acres of uncertificated area.

The application would add approximately 405 acres to CCN No. 21070.

The application indicates that the total acreage being requested is approximately 185 acres. Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the requested area is approximately 405 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 information filed by the Forest Glen, I recommend that the application be deemed administratively complete. I further recommend that Forest Glen 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 Castroville (CCN No. 20080)*
 - *San Antonio Water System (CCN No. 20285)*
 - *Canyon Regional Water Authority*

- *San Antonio River Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Medina County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Medina County Groundwater Conservation District*
 - *Edwards Aquifer Authority*
- 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 Forest Glen 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 once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. 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, Forest Glen 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 a 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 Forest Glen. Forest Glen will have 20 days from the receipt of the RFI to respond.