



Control Number: 52002



Item Number: 7

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**DOCKET NO. 52002**

**APPLICATION OF CPR WATER  
SUPPLY COMPANY, LLC FOR A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
SMITH COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2021 JUL -6 AM 9:40

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

On April 9, 2021, CPR Water Supply Company, LLC (CPR Water) filed an application to obtain a water certificate of convenience and necessity (CCN) in Smith County. The requested service area consists of 151 acres and zero current customers. CPR Water filed supplemental information on June 8 and 11, 2021.

On May 11, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of July 5, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for the further processing of this docket. As the Commission was closed July 5, 2021, pursuant to Texas Administrative Code (TAC) § 22.4(a), the deadline is extended to the next day on which the Commission is open for business. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Heidi Graham of the Infrastructure Division, and Fred Bednarski III of the Rate Regulation Division, recommends that the application be found 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 CPR Water proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum by Ms. Graham, using the notice form provided. Along with each individual notice, Staff recommends that CPR Water provide an accurate map delineating the requested service area.

Staff further recommends that CPR Water publish notice of the application for two consecutive weeks in a newspaper of general circulation in Smith.

Once notice has been provided, Staff recommends that CPR Water 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 provided with the notice. CPR Water should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that CPR Water 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:

<b>Event</b>	<b>Date</b>
Deadline for CPR Water 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	August 5, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	August 16, 2021
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that CPR Water be directed to provide notice as described in Ms. Graham's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 6, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Phillip Lehmann  
Phillip Lehmann  
State Bar No. 24100140  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711  
(512) 936-7385  
(512) 936-7268 (facsimile)  
phillip.lehmann@puc.texas.gov

**DOCKET NO. 52002**

**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 July 6, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann  
Phillip Lehmann

# ***Public Utility Commission of Texas***

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

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

**DATE:** July 6, 2021

**RE:** Docket No. 52002 – *Application of CPR Water Supply Company, LLC for a Water Certificate of Convenience and Necessity in Smith County*

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On April 9, 2021, CPR Water Supply Company, LLC (CPR Water) filed an application to obtain a water certificate of convenience and necessity in Smith 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.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Heidi Graham, Lead Engineering Specialist  
Infrastructure Division

**DATE:** July 6, 2021

**RE:** Docket No. 52002 – *Application of CPR Water Supply Company, LLC to Obtain a Water Certificate of Convenience and Necessity in Smith County*

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On April 9, 2021, CPR Water Supply Company, LLC (CPR) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) in Smith County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The application indicates that the total acreage being requested is approximately 151 acres. Based on the mapping review by Gary Horton, Infrastructure Division, it was determined the requested area is approximately 151 acres. According to the information in the application, the number of proposed connections is 150.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with the application on April 9, 2021, are sufficient. Based on the financial review by Fred Bednarski, Rate Regulation Division, recommending sufficiency of the financial portion of the application, and my technical and managerial review of the application and the additional information filed by CPR on June 8, 2021, I recommend that the application be deemed administratively complete. I further recommend that CPR 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:
    - *Aqua Texas Inc (CCN No. 13201)*
    - *Emerald Bay MUD (CCN No. 13047)*
    - *Liberty Utilities (Silverleaf Water) LLC (CCN No. 13131)*
    - *Monarch Utilities I LP (CCN No. 12983)*
    - *Southern Utilities Company (CCN No. 10762)*

- b. The county judge of each county that is wholly or partially included in the requested area:
  - *Smith 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 parties, other than affected customers in the requested area.

Addresses can be obtained by CPR from the Water Utility Database at <http://www.puc.texas.gov/watersearch>.

- 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, CPR 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, and landowners.
- 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.
- 6) Supplement the application with a copy of the approval letter for construction of the public water system facilities from TCEQ once it is received. CPR must file the approval letter 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 (RFI) to CPR. CPR will have 20 days from the receipt of the RFI to respond.

***Notice for Publication***

**NOTICE OF APPLICATION FOR CPR WATER SUPPLY COMPANY, LLC TO OBTAIN A  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY  
SERVICE IN SMITH COUNTY, TEXAS**

CPR Water Supply Company, LLC 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 water utility service in Smith County, Texas.

The requested area includes 0 current customers, is located approximately 4 mile(s) south-southwest of downtown Noonday, Texas, and is generally bounded on the north by SH 155 and FM 344; on the east by CR 189 N; on the south by Saline Bay (Lake Palestine); and on the west by SH 155.

The requested area includes 0 current customers and approximately 151 acres, comprised of 151 acres of uncertificated area.

**A copy of the map showing the requested area is available at:** 100 Avenue A, Palestine, TX 75801.

*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 CPR WATER SUPPLY COMPANY, LLC TO OBTAIN A  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY  
SERVICE IN SMITH COUNTY, TEXAS

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

CPR Water Supply Company, LLC has filed an application with the Public Utility Commission of Texas to obtain Certificate of Convenience and Necessity (CCN) for the provision of retail water utility service in Smith County, Texas.

The requested area includes 0 current customers, is located approximately 4 mile(s) south-southwest of downtown Noonday, Texas, and is generally bounded on the north by SH 155 and FM 344; on the east by CR 189 N; on the south by Saline Bay (Lake Palestine); and on the west by SH 155.

The requested area includes 0 current customers and approximately 151 acres, comprised of 151 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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Si desea información en español, puede llamar al 1-888-782-8477.

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 52002

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. 52002

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 \_\_\_\_\_