



Filing Receipt

Received - 2021-07-14 08:56:49 AM

Control Number - 52089

ItemNumber - 16

DOCKET NO. 52089

APPLICATION OF ALPHA UTILITY	§	PUBLIC UTILITY COMMISSION
OF CAMP COUNTY, LLC AND CSWR-	§	
TEXAS UTILITY OPERATING	§	OF TEXAS
COMPANY FOR SALE, TRANSFER,	§	
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN CAMP	§	
COUNTY	§	

**COMMISSION STAFF’S REVISED RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On May 6, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR) and Alpha Utility of Camp County, LLC (Alpha Utility) (collectively, the Applicants) filed an application for approval of the sale and transfer of facilities and certificate rights in Camp County. Specifically, the Applicants seek approval for CSWR, certificate of convenience and necessity (CCN) No. 13290, to acquire facilities and to transfer all of the water service area from Alpha Utility under water CCN No. 12696. The applicants filed supplemental information on June 23, 2021.

On June 7, 2021, the for the Staff of the Public Utility Commission of Texas (Staff) recommended that the application was administratively incomplete. On June 8, 2021, the administrative law judge (ALJ) filed Order No. 2 finding the application incomplete and deficient and establishing a deadline of August 6, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on the administrative completeness of the application, along with a proposed procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information submitted by the Applicants and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the application is administratively complete. Staff initially determined that the application did not include information responsive to Question 24, part B. However, Staff has re-reviewed confidential Attachment I-1 filed on May 7, 2021 and has

concluded that this information supports a recommendation that the application is sufficient for further processing. Staff's recommendation 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 form provided by Ms. Mathis. Along with each individual notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area. 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 provided with the notice. Finally, Staff recommends that the Applicants use the attached notice and affidavit to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for the Applicants 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	August 13, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	August 25, 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 the Applicants be directed to provide notice as described in the attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 14, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D' Ambrosio
Managing Attorney

/s/ Forrest Smith
Forrest Smith
State Bar No. 24093643
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7388
(512) 936-7268 (facsimile)
Forrest.Smith@puc.texas.gov

DOCKET NO. 52089

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 14, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Docket No. 52089

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. 12696 FROM ALPHA UTILITY OF CAMP COUNTY IN CAMP COUNTY TEXAS

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

(Address)

(City State Zip)

CSWR-Texas Utility Operating Co., LLC 1650 Des Peres Rd., St. Louis, MO 63131
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the water facilities and to transfer water certificated service area under CCN No. 12696, in Camp County, TX from:

Alpha Utility of Camp County, LLC 4 Pegues Place Longview, TX 75601-4661
(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:
Woodland Harbor.

The requested area includes 163 current customers, is located approximately 4.5 miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north and east by County Road 2119; on the south by County Road 2121; and on the west by Lake Bob Sandlin and County Road 2135.

The requested area is approximately 217 acres of transferred area (from CCN No. 12696).

The application proposes the subtraction of approximately 217 acres from CCN No. 12696 and the addition of approximately 217 acres to CCN No. 13290.

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. 52089

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 _____

Notice Form Updated: April 8, 2021

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: July 14, 2021

RE: Docket No. 52089 – *Application of Alpha Utility of Camp County, LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Camp County*

On May 6, 2021, CSWR-Texas Utility Company, LLC (CSWR) and Alpha Utility of Camp County, LLC (Alpha Utility) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Camp County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, certificate of convenience and necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Alpha Utility under water CCN No. 12696.

The requested area includes 163 current customers and approximately 217 acres of area transferred from CCN No. 12696.

The application proposes the subtraction of approximately 217 acres from CCN No. 12696 and the addition of approximately 217 acres to CCN No. 13290.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted on May 6, 2021 are sufficient. Based on the financial and managerial review by Fred Bednarski, Rate Regulation Division, and my technical and managerial review of the information filed by the Applicants, 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:

- *Bi County WSC (CCN No. 10490)*
 - *City of Mount Pleasant (CCN No. 10509)*
 - *Tri SUD (CCN No. 10402)*
 - *Titus County FWSD 1*
 - *Town of Rocky Mound*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Camp County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *None*
- 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, landowners, and customers.
- 4) 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, 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 and Alpha Utility. CSWR and Alpha Utility will have 20 days from the receipt of these RFI's to respond.