



Control Number: 52206



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DOCKET NO. 52206

**APPLICATION OF SUN WATER §
SUPPLY CORPORATION TO AMEND §
A CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TAYLOR, JONES, §
AND FISHER COUNTIES §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 JUL -9 PM 12:26

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

On June 3, 2021, S.U.N. Water Supply Corporation (S.U.N. Water) filed an application to amend its certificate of convenience and necessity (CCN) in Taylor, Jones, and Fisher Counties. S.U.N. Water holds water CCN No. 11139. S.U.N. Water filed supplemental information on June 9 and 21, 2021.

On July 7, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of July 9, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a clarification, and, if the submitted maps are sufficient, a supplemental recommendation on administrative completeness and notice and 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, and as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the application be found administratively complete and accepted for filing. The maps S.U.N. Water submitted on June 9, 2021 and June 21, 2021, are sufficient to determine the location of the requested CCN amendment. The mapping deficiency Staff identified in its initial recommendation was related to the maps referenced in Question No. 27 of the CCN application, which asks for a "map (or maps) showing all facilities for production, transmission, and distribution, and the location of existing or proposed customer connections, in the requested area." Staff filed a request for information on July 8, 2021 seeking production of this additional mapping. Therefore, what has been provided is sufficient for Staff to recommend that the application be found administratively complete. Staff's recommendation on administrative

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completeness is not a comment on the merits of the application but only that the application is complete for further processing.

II. NOTICE

At this time, Staff recommends that S.U.N. Water proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Ms. Garcia. Along with each individual notice, Staff recommends that S.U.N. Water provide an accurate map delineating the requested service area. Staff also recommends that S.U.N. Water publish notice once each week for two consecutive weeks in a newspaper of general circulation in Taylor, Jones, and Fisher Counties.

Staff recommends that S.U.N. Water file proof of notice as described in the attached memorandum and proof of newspaper publication, including tear sheets. Finally, it is recommended that S.U.N. Water use the attached affidavits 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 S.U.N. Water 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	August 24, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	September 3, 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 S.U.N. Water be directed to provide notice as detailed above and in Ms. Garcia's memorandum, and that the proposed procedural schedule be adopted.

Dated: July 9, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

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Managing Attorney

/s/ Forrest Smith
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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 via electronic mail on July 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Notice for Publication

**NOTICE OF APPLICATION OF S.U.N. WATER SUPPLY CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN FISHER, JONES, AND TAYLOR COUNTIES, TEXAS**

S.U.N. Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11139 for the provision of retail water utility service in Fisher, Jones, and Taylor Counties, Texas.

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 the S. U.N. Water Supply Corporation's request to provide retail water utility service in the requested area.

The requested area includes 113 current customers, is located approximately 20 mile(s) northwest of downtown Abilene, Texas, and is generally bounded on the north by US 180; on the east by FM 707 and FM 2404; on the south by I-20; and on the west by FM 1085 and CR 121.

The requested area includes approximately 110 miles of facilities +200 ft (F+200ft) CCN through uncertificated area.

The application proposes the addition of approximately 110 miles of F+200ft CCN to CCN No. 11139.

A copy of the map showing the requested area is available at: S.U.N. Water Supply Corporation Office, 135 Edwards, Merkel, TX 49536

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 OF S.U.N. WATER SUPPLY CORPORATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN FISHER, JONES, AND TAYLOR COUNTIES, TEXAS

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

(Address)

(City State Zip)

S.U.N. Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11139 for the provision of retail water utility service in Fisher, Jones, and Taylor Counties, Texas.

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 the S.U.N. Water Supply Corporation's request to provide retail water utility service in the requested area.

The requested area includes 113 current customers, is located approximately 20 mile(s) northwest of downtown Abilene, Texas, and is generally bounded on the north by US 180; on the east by FM 707 and FM 2404; on the south by I-20; and on the west by FM 1085 and CR 121.

The requested area includes approximately 110 miles of facilities +200 ft (F+200ft) CCN through uncertificated area.

The application proposes the addition of approximately 110 miles of F+200ft CCN to CCN No. 11139.

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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Austin, TX 78711-3326

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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 CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 52206

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 forth 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. 52206

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: Forrest Smith, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: July 9, 2021

RE: Docket No. 52206 – *Application of S.U.N. Water Supply Corporation to Amend a Certificate of Convenience and Necessity in Taylor, Jones, and Fisher Counties*

On June 3, 2021, S.U.N. Water Supply Corporation (S.U.N. Water) filed with the Public Utility Commission of Texas (Commission) an application to amend a water certificate of convenience and necessity (CCN) No. 11139 in Taylor, Jones, and Fisher Counties, 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 113 current customers and approximately 110 miles of facilities +200 ft (F+200ft) CCN through uncertificated area.

The application proposes the addition of approximately 110 miles of F+200ft CCN to CCN No. 11139. Currently, 116 miles of F+200ft facility line CCN is certificated to CCN No. 11139.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted on June 9, 2021 and June 21, 2021 are sufficient. Based on my technical and managerial review of the information filed by S.U.N. Water, I recommend that the application be deemed administratively complete. I further recommend that S.U.N. Water 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*
 - *Bitter Creek WSC (CCN No. 11149)*
 - *Blair WSC (CCN No. 11532)*

- *City of Abilene (CCN No. 11823)*
 - *City of Anson*
 - *City of Merkel (CCN No. 11454)*
 - *City of Trent*
 - *City of Tye*
 - *Hawley WSC (CCN No. 10952)*
 - *Sylvester McCaulley WSC (CCN No. 12562)*
 - *West Central Texas Municipal Water District*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Fisher County Judge*
 - *Jones County Judge*
 - *Taylor County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Clear Fork Groundwater 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 S.U.N. Water 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 each 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, S.U.N. Water must file an affidavit specifying 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 S.U.N. Water. S.U.N. Water will have 20 days from the receipt of these RFI's to respond.