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DOCKET NO. 52410

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY,	§	
LLC AND LEON SPRINGS UTILITY	§	OF TEXAS
COMPANY, INC. FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN BEXAR COUNTY	§	

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

On August 10, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and the Leon Springs Utility Company, Inc. (Leon Springs) (collectively Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Bexar County. The applicants seek approval to sell and transfer all of Leon Springs’s wastewater system under Certificate of Convenience and Necessity (CCN) number 20614 to CSWR-Texas. The requested area includes 1,209 customer connections and approximately 1,419 acres. The Applicants filed supplemental information on August 24, 25, 26, 30 and 31, 2021.

On August 12, 2021, the administrative law judge filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application, proposed notice, and propose a procedural schedule by September 10, 2021. 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 Patricia Garcia of the Commission’s Infrastructure Division, and Fred Bednarski of the Commission’s Rate Regulation Division, Staff 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 the Applicants proceed with providing public notice to all current customers, neighboring utilities, political subdivisions, and other persons listed in Ms. Garcia's attached memorandum using the notice form provided by Ms. Garcia. 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 Ms. Garcia's 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	October 11, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	October 21, 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: September 10, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Daniel Moore
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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 September 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: September 10, 2021

RE: Docket No. 52410 – *Application of CSWR-Texas Utility Operating Company, LLC and Leon Springs Utility Company, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bexar County*

On August 10, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and the Leon Springs Utility Co., Inc. (Leon Springs) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Bexar County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR-Texas, Certificate of Convenience and Necessity (CCN) No. 21120, seeks approval to acquire facilities and to transfer all of the sewer service area from Leon Springs under sewer CCN No. 20614. The requested area includes 1,209 customer connections and approximately 1,419 acres, all of which will be transferred from CCN No. 20614 to CCN No. 21120

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on August 10, 2021 are sufficient. Based on my technical and managerial review of the additional information filed on August 25, 2021, 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:
 - *Canyon Regional Water Authority;*
 - *City of San Antonio;*
 - *San Antonio River Authority;* and
 - *San Antonio Water System (CCN No. 20285)*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Bexar County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Edwards Aquifer Authority*; and
 - *Trinity-Glen Rose Groundwater Conservation District*
- d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database, <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) website, <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, and customers.
- 4) 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, 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-Texas and Leon Springs. CSWR-Texas and Leon Springs will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Kathryn Eiland, Financial Analyst
Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: September 10, 2021

RE: Docket No. 52410 - *CSWR-Texas Utility Operating Company, LLC and Leon Springs Utility Company, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bexar County*

On August 10, 2021, CSWR-Texas Utility Operating Company, LLC and Leon Springs Utility Company, Inc. filed an application for the sale and transfer of facilities and certificate rights in Bexar County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code (TAC) § 24.239 and 24.238.

I reviewed the answers provided to questions 4, 10, 11, 12, 14, and 15 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 to Current Customers, Neighboring Systems, and Cities

CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) NO. 21120, NOTICE OF INTENT TO
PURCHASE SEWER FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER
CCN NO. 20614 FROM LEON SPRINGS UTILITY CO, INC. IN BEXAR COUNTY, TEXAS

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

(Address)

(City State Zip)

CSWR-Texas Utility Operating Company, LLC 1650 Des Peres Rd, Suite 303
(Purchaser's Name) (Address)

St. Louis, MO 63131
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to
purchase all of the sewer facilities and to transfer sewer certificated service area under CCN No.
20614, in Bexar County, TX from:

Leon Springs Utility Co, Inc. 14855 Blanco Road, Suite 305 San Antonio, TX 78216
(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:
Dominion.

The requested area includes 1,209 customer connections, is located approximately 17 miles north-
northwest of downtown San Antonio, Texas, and is generally bounded on the north by Dominion
Drive; on the east by Monterrey Road; on the south by Mission North Burial Park and Tejas Trail
West; and on the west by Union Pacific Railroad.

The requested area includes approximately 1,419 acres, comprised of 1,419 acres of transferred
area (from CCN No. 20614).

The application proposes the addition of approximately 1,419 acres to CCN No. 21120.

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. 52410

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