



Filing Receipt

Received - 2021-12-17 10:24:43 AM
Control Number - 52427
ItemNumber - 11

DOCKET NO. 52427

APPLICATION OF PATTERSON	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY LLC AND MYRA	§	
WATER SYSTEM FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN COOKE COUNTY	§	

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

On August 13, 2021, Patterson Water Supply LLC (Patterson) and Myra Water System (Myra) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Cooke County. Specifically, Patterson seeks approval to acquire facilities and to transfer water service area held under water Certificate of Convenience and Necessity No. 12514 to Patterson under water CCN No. 13248. The requested area includes approximately 982 acres and 116 current customers.

On November 23, 2021, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of December 17, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application, proposed notice, and to propose a procedural schedule, if appropriate. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum of Patricia Garcia of the Infrastructure Division, recommends that the application be found administratively complete for further processing. 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 the 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 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	January 18, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	January 28, 2022
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: December 17, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 52427

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 December 17, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 17, 2021

RE: Docket No. 52427 – *Application of Patterson Water Supply LLC and Myra Water System for Sale, Transfer, or Merger of Facilities and Certificate Rights in Cooke County*

On August 13, 2021, Patterson Water Supply LLC (Patterson) and Myra Water System (Myra) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Cooke County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Patterson, certificate of convenience and necessity (CCN) No. 13248, seeks approval to acquire facilities and to transfer all of the water service area from Myra under water CCN No. 12514. The requested area includes 116 customer connections and approximately 982 acres, comprised of 982 acres of transferred area from CCN No. 12514.

The application proposes the addition of approximately 982 acres to CCN No. 13248.

The application indicates that the total acreage being requested is approximately 990 acres. Based on the mapping review by Gary Horton, of the Infrastructure Division, it was determined the requested area is approximately 982 acres.

Based on the mapping review by Mr. Horton, the maps submitted on August 13, 2021 are sufficient. Based on my technical and managerial review of the information filed, 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:

- *City of Lindsay (CCN No. 13025)*
 - *City of Muenster (CCN No. 12936)*
 - *Red River Authority of Texas*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Cooke County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *North Texas Groundwater Conservation District*
- 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, 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.

Notice to Current Customers, Neighboring Systems, and Cities
PATTERSON WATER SUPPLY LLC, CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) NO. 13248, NOTICE OF INTENT TO PURCHASE WATER
FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12514
FROM MYRA WATER SYSTEM IN COOKE COUNTY, TEXAS

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

(Address)

(City State Zip)

<u>Patterson Water Supply LLC</u>	<u>P.O. Box 910</u>	<u>Collinsville, TX</u>	<u>76233</u>
(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. 12514, in Cooke County, TX from:

<u>Myra Water System</u>	<u>P.O. Box 126</u>	<u>Myra, TX</u>	<u>76253</u>
(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:

The requested area includes 116 customer connections, is located approximately 3 miles east-southeast of downtown Muenster, Texas, and is generally bounded on the north by Tonkawa Creek; on the east by County Road 327; on the south by County Road 308; and on the west by Brushy Elm Creek.

The requested area includes approximately 982 acres, comprised of 982 acres of transferred area (from CCN No. 12514).

The application proposes the addition of approximately 982 acres to CCN No. 13248.

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. 52427

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