



## Filing Receipt

**Received - 2021-09-23 02:24:20 PM**

**Control Number - 52464**

**ItemNumber - 6**

**DOCKET NO. 52464**

<b>APPLICATION OF CREEKWOOD</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>RANCHES WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION AND EAST MEDINA</b>	<b>§</b>	<b>OF TEXAS</b>
<b>SPECIAL UTILITY DISTRICT FOR</b>	<b>§</b>	
<b>SALE, TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN MEDINA COUNTY</b>	<b>§</b>	

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

On August 24, 2021, East Medina Special Utility District (East Medina SUD) and Creekwood Ranches Water Supply Corporation (Creekwood Ranches WSC) (collectively, Applicants) filed an application for approval of the sale and transfer of facilities and certificate rights in Medina County. Specifically, East Medina SUD, certificate of convenience and necessity (CCN) No. 10217, seeks approval to acquire facilities and to transfer all of the water service area from Creekwood Ranches WSC under water CCN No. 11897. The requested area includes 161 customer connections and approximately 355 acres, comprised of 355 acres of transferred area from CCN No. 11897. Applicants filed supplemental information on September 3, 2021.

On August 26, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of September 23, 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 proposed notice, 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 and, as detailed in the attached memoranda from Patricia Garcia, Infrastructure Division, and Kathryn Eiland and Fred Bednarski, III, Rate Regulation Division, recommend that the application is 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 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 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:

<b>Event</b>	<b>Date</b>
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 25, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	November 4, 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 23, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Forrest Smith  
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**DOCKET NO. 52464**

**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 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** September 23, 2021

**RE:** Docket No. 52464 – *Application of Creekwood Ranches Water Supply Corporation and East Medina Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Medina County*

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On August 24, 2021, East Medina Special Utility District (East Medina SUD) and the Creekwood Ranches Water Supply Corporation (WSC) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Medina County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, East Medina SUD, certificate of convenience and necessity (CCN) No. 10217, seeks approval to acquire facilities and to transfer all of the water service area from Creekwood Ranches WSC under water CCN No. 11897. The requested area includes 161 customer connections and approximately 355 acres, comprised of 355 acres of transferred area from CCN No. 11897.

The application proposes the transfer of approximately 355 acres from CCN No. 11897 to CCN No. 10217.

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on September 3, 2021 are sufficient. Based on my technical and managerial review of the additional information filed on September 3, 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:

- *Nueces River Authority*
  - *Old Highway 90 Water Service (CCN No. 12975)*
  - *Yancey WSC (CCN No. 11463)*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Medina County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Edwards Aquifer Authority*
  - *Medina County 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.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

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

**DATE:** September 23, 2021

**RE:** Docket No. 52464 - *Application of Creekwood Ranches Water Supply Corporation and East Medina Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Medina County*

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On August 24, 2021, Creekwood Ranches Water Supply Corporation and East Medina Special Utility District filed an application for the sale and transfer of facilities and certificate rights in Medina County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

I reviewed the answers provided to questions 4, 10, 11, 12, and 14 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***  
EAST MEDINA SPECIAL UTILITY DISTRICT, CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO. 10217, NOTICE OF INTENT TO PURCHASE WATER  
FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 11897  
FROM CREEKWOOD RANCHES WATER SUPPLY CORPORATION IN MEDINA  
COUNTY, TEXAS

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

East Medina Special Utility District      P.O. Box 628      Devine, TX      78016  
(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. 11897, in Medina County, TX from:

Creekwood Ranches Water Supply Corporation      471 County Road 4510      Hondo, TX      78861  
(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 161 customer connections, is located approximately 7 mile(s) east of downtown Hondo, Texas, and is generally bounded on the north by County Road 454; on the east by County Road 454; on the south by US 90; and on the west by County Road 4545.

The requested area includes approximately 355 acres, comprised of 355 acres of transferred area from CCN No. 11897.

The application proposes the transfer of approximately 355 acres from CCN No. 11897 to CCN No. 10217.

**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.

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Utility Representative

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Utility Name

# PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND  
AFFECTED PARTIES  
DOCKET NO. 52464

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