



## Filing Receipt

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**DOCKET NO. 52492**

**APPLICATION OF SWWC UTILITIES, § PUBLIC UTILITY COMMISSION  
INC. DBA HORNSBY BEND UTILITY §  
COMPANY, INC. TO AMEND ITS § OF TEXAS  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY IN TRAVIS COUNTY §**

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

On September 1, 2021, SWWC Utilities, Inc dba Hornsby Bend Utility Company, Inc. (SWWC Utilities) filed an application to amend its certificates of convenience and necessity (CCN) in Travis County. SWWC Utilities holds water CCN No. 11978 and sewer CCN No. 20650. The requested water service area consists of 323 acres, the requested sewer service area consists of 332 acres, zero existing connections, and 0 proposed connections. On September 2, 2021, September 14, 2021, September 30, 2021, and October 1, 2021, SWWC Utilities filed supplemental information.

On September 2, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 1, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule for the further processing of this docket. On October 1, 2021, Staff filed comments on administrative completeness of the application and proposed notice and proposed a procedural schedule for the further processing of this docket but inadvertently omitted the notice attachments. Staff now amends its pleading to include the omitted notice attachments and an updated procedural schedule.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the amended application and supplemental information and, as detailed in the attached memoranda from Patricia Garcia, of the Infrastructure Division, and Fred Bednarski III, of the Rate Regulation Division, recommends 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 SWWC Utilities proceed with providing public notice to all landowners, 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 SWWC Utilities provide an accurate map delineating the requested service area. Staff further recommends that SWWC Utilities publish notice of the application for two consecutive weeks in a newspaper of general circulation in Travis County.

Once notice has been provided, Staff recommends that SWWC Utilities 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. SWWC Utilities should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that SWWC Utilities use the attached notices and affidavits to meet these requirements.

## III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for SWWC Utilities 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 and published in a newspaper of general circulation	November 19, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	November 29, 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 SWWC Utilities be directed to provide notice as described in Ms.

Garcia's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 5, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rashmin J. Asher  
Managing Attorney

/s/ Arnett D. Caviel  
Arnett D. Caviel  
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**DOCKET NO. 52492**

**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 October 5, 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*

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## **Memorandum**

**TO:** Arnett Caviel, Attorney  
Legal Division

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

**DATE:** October 5, 2021

**RE:** Docket No. 52492 – *Application of SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. to Amend its Certificates of Convenience and Necessity in Travis County*

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On September 1, 2021, SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (SWWC Utilities) filed an application with the Public Utility Commission of Texas (Commission) to amend its water certificate of convenience and necessity (CCN) No. 11978 and sewer CCN No. 20650 in Travis County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

There is one landowner in the requested area who previously requested the area be decertified from SWWC Utilities in a streamlined expedited release. The area that had previously been decertified in Docket No. 51166 was approximately 1,322.36 acres from water CCN No. 11978 and approximately 1,331.62 acres from sewer CCN No. 20650. SWWC Utilities provided a request for service from a representative of the landowner.

The requested water area includes 0 customer connections and approximately 323 acres, comprised of 323 acres of uncertificated area.

The requested sewer area includes 0 customer connections and approximately 332 acres, comprised of 332 acres of uncertificated area.

The application indicates that the total acreage being requested is approximately 346 acres for the water service area and 332 for the sewer service area. Based on the mapping review by Gary Horton, of the Infrastructure Division, it was determined the requested area is proposing the addition of approximately 323 acres to water CCN No. 11978 and the addition of approximately 332 acres to sewer CCN No. 20650.

Based on the mapping review by Mr. Horton the maps submitted on September 1, 2021 and September 14, 2021 are sufficient. Based on my technical and managerial review of the information filed by SWWC Utilities, I recommend that the application be deemed

administratively complete. I further recommend that SWWC Utilities 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:
    - *Aqua Texas Inc (CCN No. 13254)*
    - *City of Austin (CCN Nos. 11322 & 20636)*
    - *Garfield Water Supply Corporation (WSC) (CCN No. 11244)*
    - *Kennedy Ridge WSC (CCN Nos. 12643 & 20760)*
    - *Lower Colorado River Authority*
    - *Manville WSC (CCN No. 11144)*
    - *Rio de Vida Municipal Utility District 1*
    - *SH130 Municipal Management District 1*
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - *Travis County Judge*
  - c. Each groundwater conservation district that is wholly or partially included in the requested area:
    - *None*
  - 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 SWWC Utilities 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 the 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, SWWC Utilities must file an affidavit specifying the notice that was provided to 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.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Arnett Caviel, Attorney  
Legal Division

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

**DATE:** October 5, 2021

**RE:** Docket No. 52492 - *Application of SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. to Amend its Certificates of Convenience and Necessity in Travis County*

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On September 1, 2021, SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. filed an application to amend its water and sewer certificates of convenience and necessity in Travis County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 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 for Publication**

NOTICE OF APPLICATION OF SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY, INC. AMEND ITS CERTIFICATES OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY SERVICE IN TRAVIS COUNTY, TEXAS

SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11978 and CCN No. 20650 for the provision of retail water and sewer utility service in Travis County, Texas.

The requested area overlaps the district boundaries of Lower Colorado River Authority and Rio de Vida Municipal Utility District. If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc.'s request to provide retail water and sewer utility service in the requested area.

The requested water area includes 0 customer connections, is located approximately 9 miles east of downtown Austin, Texas, and is generally bounded on the north by Old Webberville Road; on the east by Austin's Colony Boulevard; on the south by Harold Green Road; and on the west by SH 130.

The requested water area includes approximately 323 acres, comprised of 323 acres of uncertificated area.

The requested sewer area includes 0 customer connections, is located approximately 9 miles east of downtown Austin, Texas, and is generally bounded on the north by Old Webberville Road; on the east by Austin's Colony Boulevard; on the south by Harold Green Road; and on the west by SH 130.

The requested sewer area includes approximately 332 acres, comprised of 332 acres of uncertificated area.

The application proposes the addition of approximately 323 acres to CCN No. 11978 and the addition of approximately 332 acres to CCN No. 20650

**A copy of the map showing the requested area is available at:** 12535 Reed Rd, Sugar Land, TX 77478

*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 SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY, INC. AMEND ITS CERTIFICATES OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY SERVICE IN TRAVIS COUNTY, TEXAS

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

SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11978 and CCN No. 20650 for the provision of retail water and sewer utility service in Travis County, Texas.

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The requested water area includes approximately 323 acres, comprised of 323 acres of uncertificated area.

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The requested sewer area includes approximately 332 acres, comprised of 332 acres of uncertificated area.

The application proposes the addition of approximately 323 acres to CCN No. 11978 and the addition of approximately 332 acres to CCN No. 20650

**See enclosed map showing the requested area.**

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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. 52492

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 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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 52492

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 \_\_\_\_\_