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DOCKET NO. 52632

APPLICATION OF THE TOWN OF	§	PUBLIC UTILITY COMMISSION
LAKESIDE AND THE CITY OF FORT	§	
WORTH FOR SALE, TRANSFER, OR	§	OF TEXAS
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN TARRANT	§	
COUNTY	§	

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

On September 23, 2021, the Town of Lakeside (Lakeside) and the City of Fort Worth (Fort Worth) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Tarrant County. Specifically, Lakeside seeks approval to acquire facilities and to transfer water service area held under Fort Worth’s Certificate of Convenience and Necessity (CCN) No. 12311. Applicants filed supplemental information on September 30, 2021, November 18, 2021 and December 2, 2021.

On October 25, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of December 22, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments on the administrative completeness of the application and proposed notice and to propose a 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 Jolie Mathis, Infrastructure Division, and Fred Bednarski, 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 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. Mathis. 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 24, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	February 2, 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 22, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/Mildred Anaele
Mildred Anaele
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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 December 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele
Mildred Anaele

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: December 22, 2021

RE: Docket No. 52632 – *Application of Town of Lakeside and City of Fort Worth for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

City of Fort Worth (Fort Worth) and the Town of Lakeside (Lakeside) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Tarrant County, Texas, under Texas Water Code (TWC) §§ 13.250 and 13.301 and 16 Texas Administrative Code (TAC) §§ 24.245 and 24.239.

Specifically, Fort Worth, certificate of convenience and necessity (CCN) No. 12311, seeks approval to acquire facilities and to transfer a portion of the water service area from Lakeside under water certificate of convenience and necessity (CCN) No. 10073; and to decertify a portion of Lakeside's CCN No. 10073 that is dually certificated with Fort Worth's CCN No. 12311.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with Item 7 on December 2, 2021 are sufficient. Based on my technical and managerial review of the additional information filed on December 2, 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:
 - *City of Azle (CCN No. 10069)*
 - *City of Lake Worth (CCN No. 11262)*
 - *Tarrant Regional Water District*
 - *Trinity River Authority of Texas*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Tarrant County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Northern Trinity 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 <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 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, 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 Fort Worth and Lakeside. Fort Worth and Lakeside will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: December 22, 2021

RE: Docket No. 52632 – *Application of the Town of Lakeside and the City of Fort Worth for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

On September 23, 2021, the Town of Lakeside and the City of Fort Worth filed an application for the sale and transfer of facilities and certificate rights in Tarrant 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
CITY OF FORT WORTH, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
NO. 12311, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO
TRANSFER WATER SERVICE AREA UNDER CCN NO. 10073 FROM TOWN OF
LAKESIDE IN TARRANT COUNTY, TEXAS

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

(Address)

(City State Zip)

City of Fort Worth 200 Texas Street Fort Worth, TX 76102
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of the water facilities and to transfer water certificated service area under CCN No. 10073 in Tarrant County, TX from:

Town of Lakeside 9830 Confederate Park Rd. Lakeside, TX 76108
(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:
Ella Young, Rolling Wood Homesites, Turtle Creek Ranch.

The requested area includes 71 customer connections, is located approximately 1 mile east of downtown Lakeside, Texas, and is generally bounded on the north by Lake Worth; on the east by Lake Worth; on the south by Lake Worth; and on the west by FM 1886 and Buffalo Road.

The requested area includes approximately 140 acres, comprised of:

69 acres of transferred area (from CCN No. 10073);

71 acres of decertified area (from CCN No. 10073).

The application proposes the addition of approximately 69 acres to CCN No. 12311.

The application proposes the subtraction of approximately 140 acres from CCN No. 10073

See enclosed map showing the requested area.

This transaction will have the following effect on the current customers' rates and services: lower monthly bill.

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

Notice for Publication

CITY OF FORT WORTH, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
 NO. 12311, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO
 TRANSFER WATER SERVICE AREA UNDER CCN NO. 10073 FROM TOWN OF
 LAKESIDE IN TARRANT COUNTY, TEXAS

City of Fort Worth 200 Texas Street Fort Worth, TX 76102
 (Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of the water facilities and to transfer water certificated service area under CCN No. 10073 in Tarrant County, TX from:

Town of Lakeside 9830 Confederate Park Rd. Lakeside, TX 76108
 (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:
Ella Young, Rolling Wood Homesites, Turtle Creek Ranch.

The requested area includes 71 customer connections, is located approximately 1 mile east of downtown Lakeside, Texas, and is generally bounded on the north by Lake Worth; on the east by Lake Worth; on the south by Lake Worth; and on the west by FM 1886 and Buffalo Road.

The requested area includes approximately 140 acres, comprised of:

69 acres of transferred area (from CCN No. 10073);

71 acres of decertified area (from CCN No. 10073).

The application proposes the addition of approximately 69 acres to CCN No. 12311.

The application proposes the subtraction of approximately 140 acres from CCN No. 10073

A copy of the map showing the requested area is available at: Fort Worth City Hall, Water Department: 200 Texas St. Fort Worth, TX 76102

This transaction will have the following effect on the current customers' rates and services: lower monthly bill.

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

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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, NEIGHBORING UTILITIES, AND
AFFECTED PARTIES
DOCKET NO. 52632

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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 52632

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 _____