



## **Filing Receipt**

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**Item Number - 80**

**DOCKET NO. 53259**

<b>APPLICATION OF CSWR-TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY OPERATING COMPANY</b>	<b>§</b>	
<b>LLC AND CODY AND ANITA LEWIS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DBA CASSIE WATER COMPANY FOR</b>	<b>§</b>	
<b>SALE, TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN BURNET COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON THE SUFFICIENCY OF SUPPLEMENTED NOTICE AND CSWR-TEXAS’S CAPITAL IMPROVEMENT PLAN AND MOTION TO ADMIT SUPPLEMENTAL EVIDENCE**

On February 22, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Cody and Anita Lewis dba Cassie Water Company (Cassie Water) (collectively, Applicants), Deer Springs Water Company (Deer Springs), and Water Works I and II (Water Works) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Burnett and Llano Counties. On March 29, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) requested that Docket No. 53259 be severed into three separate dockets, one for each system. On April 4, 2022, the administrative law judge (ALJ) filed Order No. 2, severing the proceedings and restyling this docket.<sup>1</sup>

On April 23, 2024, the ALJ filed Order No. 17, directing Staff to file a supplemental recommendation on the sufficiency of supplemented notice and a recommendation on CSWR-Texas’s capital improvement plan by May 10, 2024. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF SUPPLEMENTED NOTICE**

Staff has reviewed the supplemented proof of notice filed by CSWR-Texas on April 30, 2024, and recommends that the supplemented notice is sufficient. Specifically, CSWR-Texas filed an affidavit, dated April 29, 2024 and signed by Eric Rocchio, Regulatory Case Manager for CSWR-Texas, attesting that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN areas for the Cassie, Deer Springs, and Water Works systems. Therefore, Staff recommends that CSWR-Texas’s supplemented notice be deemed sufficient.

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<sup>1</sup> Order No. 2 (Apr. 4, 2022).

**II. RECOMMENDATION ON CSWR-TEXAS'S CAPITAL IMPROVEMENT PLAN**

Staff has additionally reviewed CSWR-Texas's capital improvement plan, filed on April 30, 2024, and as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that CSWR-Texas's proposed capital improvements to the Cassie Water public water system are not expected to exceed \$100,000. Therefore, Staff recommends that firm capital commitment under 16 Texas Administrative Code (TAC) § 24.11(e)(5) is not required.

**III. MOTION TO ADMIT SUPPLEMENTAL EVIDENCE**

Staff respectfully requests that this recommendation on the sufficiency of supplemented notice and on CSWR-Texas's capital improvement plan, including attached memorandum, be admitted into the record as evidence in this proceeding.

**IV. CONCLUSION**

For the reasons detailed above, Staff recommends that supplemented notice be found sufficient, and that firm capital commitment under 16 TAC § 24.11(e)(5) is not required. Staff respectfully requests that this pleading, including attached memorandum, be admitted into the record as evidence in this proceeding. Additionally, Staff respectfully requests the entry of an order consistent with Staff's recommendations.

Dated: May 10, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 5 DOCKET NO. 53259**

**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on May 10, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kelsey Daugherty  
Kelsey Daugherty

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kelsey Daugherty, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** May 10, 2024

**RE:** Docket No. 53259 – *Application of CSWR-Texas Utility Operating Company, LLC and Cody and Anita Lewis dba Cassie Water Company for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*

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### **1. Application**

On February 22, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Cody and Anita Lewis dba Cassie Water Company (Cassie Water) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Burnet County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR-Texas, water Certificate of Convenience and Necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Cassie Water under water Certificate of Convenience and Necessity (CCN) No. 11663.

Based on the mapping review by Hank Journey, Infrastructure Division:

The requested area includes 67 customer connections and approximately 58 acres of transferred area from Cassie Water (CCN No. 11663) to CSWR-Texas (CCN No. 13290).

The application proposes the subtraction of approximately 58 acres from CCN No. 11663 and the addition of approximately 58 acres to CCN No. 13290.

### **2. Notice**

An affidavit was provided affirming there are no landowners in the requested area owning 25 acres partially or wholly located in the requested area.

### **3. Capital Improvement Plan**

*An application for a certificate of public convenience and necessity or for an amendment to a certificate must contain: a capital improvements plan, including a budget and estimated timeline for construction of all facilities necessary to provide full service to the entire proposed service area (TWC § 13.244(d)(3)).*

CSWR-Texas is proposing to make improvements to the Cassie Water public water system. On April 30, 2024, CSWR-Texas provided a confidential map showing the locations of the proposed capital improvements and a list of proposed capital improvements. The proposed capital improvements are not expected to exceed \$100,000, therefore the need for firm capital commitment under 16 TAC § 24.11(e)(5) is not required.

### **4. Recommendation**

Based on the above information, I recommend that the Commission find that the transaction will serve the public interest.