



## Filing Receipt

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**DOCKET NO. 53317**

<b>APPLICATION OF CSWR-TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY OPERATING COMPANY,</b>	<b>§</b>	
<b>LLC AND JUSRYN COMPANY, INC.</b>	<b>§</b>	
<b>DBA SHADY GROVE SEWER SYSTEM</b>	<b>§</b>	<b>OF TEXAS</b>
<b>FOR SALE, TRANSFER, OR MERGER</b>	<b>§</b>	
<b>OF FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN HOOD COUNTY</b>		

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

On March 9, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR) and Jusryn Company, Inc. dba Shady Grove Sewer System (Shady Grove) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Hood County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Specifically, CSWR, sewer Certificate of Convenience and Necessity (CCN) No. 21120, seeks approval to acquire facilities and to transfer all of the sewer service area from Shady Grove under sewer CCN No. 20767. The requested area includes 10 customer connections and approximately 17 acres of transferred area from CCN No. 20767 to CCN No. 21120.

On March 11, 2022, the administrative law judge filed Order No. 1, establishing a deadline of April 11, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) 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. 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 of the Commission’s Infrastructure Division and Fred Bednarski III of the Commission’s 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. PROPOSED 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. PROPOSED 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	May 11, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	May 23, 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: April 11, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
State Bar No. 24098103  
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**DOCKET NO. 53317**

**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 April 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Jenna Keller, Attorneys  
Legal Division

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

**DATE:** April 11, 2022

**RE:** Docket No. 53317 – *Application of CSWR-Texas Utility Operating Company, LLC and Jusryn Company, Inc. dba Shady Grove Sewer System for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hood County*

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On March 9, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR) and Jusryn Company, Inc. dba Shady Grove Sewer System (Shady Grove) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Hood County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, sewer Certificate of Convenience and Necessity (CCN) No. 21120, seeks approval to acquire facilities and to transfer all of the sewer service area from Shady Grove under sewer CCN No. 20767. The requested area includes 10 customer connections and approximately 17 acres of transferred area from CCN No. 20767 to CCN No. 21120.

The application proposes the subtraction of approximately 17 acres from CCN No. 20767 and the addition of approximately 17 acres to CCN No. 21120.

Based on the mapping review by Hank Journeay, Infrastructure Division, maps submitted with Item 1 on March 9, 2022 are sufficient. Based on my technical and managerial review of the application filed on March 9, 2022 and the additional information filed on March 31, 2022, 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:
    - *Acton Municipal Utility District (CCN No. 20889)*

- *Brazos River Authority*
  - *City of DeCordova*
  - *City of Granbury (CCN No. 20356)*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Hood County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Upper 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, and 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 CSWR and Shady Grove. CSWR and Shady Grove will have 20 days from the receipt of the RFI to respond.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Jenna Keller, Attorneys  
Legal Division

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

**DATE:** April 11, 2022

**RE:** Docket No. 53317 – *Application of CSWR-Texas Utility Operating Company, LLC and Jusryn Company, Inc. dba Shady Grove Sewer System for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hood County*

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On March 9, 2022, CSWR-Texas Utility Operating Company, LLC and Jusryn Company, Inc. filed an application for the sale and transfer of facilities and certificate rights in Hood County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

We reviewed the answers provided to questions 4, 10, 11, 12, and 14 of the application. We did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, we recommend that the Commission deem the application administratively complete from a financial perspective.

***Notice to Current Customers, Neighboring Systems, and Cities***  
CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) NO. 21120, NOTICE OF INTENT TO  
PURCHASE SEWER FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER  
CCN NO. 20767 FROM JUSRYN COMPANY, INC. DBA SHADY GROVE SEWER  
SYSTEM IN HOOD COUNTY, TEXAS

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

CSWR-Texas Utility Operating Company, LLC 1650 Des Peres Rd, Suite 303  
(Purchaser's Name) (Address)  
St. Louis, MO 63131  
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the sewer facilities and to transfer sewer certificated service area under CCN No. 20767, in Hood County, TX from:

Jusryn Company, Inc. dba Shady Grove Sewer System P.O. Box 2337  
(Seller's Name) (Address)  
Granbury, TX 76048  
(City), (State) (Zip Code)

The requested area overlaps the district boundaries of Brazos River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to CSWR-Texas Utility Operating Company, LLC's request to provide retail sewer utility service in the requested area.

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:  
Shady Grove Subdivision.

The requested area includes 10 customer connections, is located approximately 2.8 mile(s) east of downtown Granbury, Texas, and is generally bounded on the north by Betty Court; on the east by Cleveland Road; on the south by Acton Highway; and on the west by Davis Road.

The requested area includes approximately 17 acres of transferred area from CCN No. 20767 to CCN No. 21120.

The application proposes the subtraction of approximately 17 acres from CCN No. 20767 and the addition of approximately 17 acres to CCN No. 21120.

**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. 53317

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: March 31, 2022