

Control Number: 53335

Item Number: 1



Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Pursuant to 16 Texas Administrative Code (TAC) Chapter 24, Substantive Rules Applicable to Water and Sewer Service Providers, Subchapter G: Certificates of Convenience and Necessity

CCN Application Instructions

- I. COMPLETE: In order for the Commission to find the application sufficient for filing, you should be adhere to the following:
 - i. Answer every question and submit all required attachments.
 - ii. Use attachments or additional pages if needed to answer any question. If you use attachments or additional pages, reference their inclusion in the form.
 - iii. Provide all mapping information as detailed in Part F: Mapping & Affidavits.
 - iv. Provide any other necessary approvals from the Texas Commission on Environmental Quality (TCEQ), or evidence that a request for approval is being sought at the time of filing with the Commission.
- II. FILE: Seven (7) copies of the completed application with numbered attachments. One copy should be filed with no permanent binding, staples, tabs, or separators; and 7 copies of the portable electronic storage medium containing the digital mapping data.
 - **SEND TO**: Public Utility Commission of Texas, Attention: Filing Clerk, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326 (NOTE: Electronic documents may be sent in advance of the paper copy; however, they will not be processed and added to the Commission's on-line Interchange until the paper copy is received and file-stamped in Central Records).
- III. The application will be assigned a docket number, and an administrative law judge (ALJ) will issue an order requiring Commission Staff to file a recommendation on whether the application is sufficient. The ALJ will issue an order after Staff's recommendation has been filed:
 - i. <u>DEFICIENT (Administratively Incomplete):</u> Applicant will be ordered to provide information to cure the deficiencies by a certain date (usually 30 days from ALJ's order). *Application is not accepted for filing*.
 - ii. <u>SUFFICIENT (Administratively Complete):</u> Applicant will be ordered by the ALJ to give appropriate notice of the application using the notice prepared by Commission Staff. *Application is accepted for filing*.
- IV. Once the Applicant issues notice, a copy of the actual notice sent (including any map) and an affidavit attesting to notice should be filed in the docket assigned to the application. Recipients of notice may choose to take one of the following actions:
 - i. <u>HEARING ON THE MERITS</u>: an affected party may request a hearing on the application. The request must be made within 30 days of notice. If this occurs, the application may be referred to the State Office of Administrative Hearings (SOAH) to complete this request.
 - ii. <u>LANDOWNER OPT-OUT</u>: A landowner owning a qualifying tract of land (25+ acres) may request to have their land removed from the requested area. The Applicant will be requested to amend its application and file new mapping information to remove the landowner's tract of land, in conformity with this request.
- V. **PROCEDURAL SCHEDULE:** Following the issuance of notice and the filing of proof of notice in step 4, the application will be granted a procedural schedule for final processing. During this time the Applicant must respond to hearing requests, landowner opt-out requests, and requests for information (RFI). The Applicant will be requested to provide written consent to the proposed maps, certificates, and tariff (if applicable) once all other requests have been resolved.
- VI. **FINAL RECOMMENDATION**: After receiving all required documents from the Applicant, Staff will file a recommendation on the CCN request. The ALJ will issue a final order after Staff's recommendation is filed.

FAQ:

Who can use this form?

Any retail public utility that provides or intends to provide retail water or wastewater utility service in Texas.

Who is required to use this form?

A retail public utility that is an investor owned utility (IOU) or a water supply corporation (WSC) must use this form to obtain or amend a CCN prior to providing retail water or sewer utility service in the requested area.

What is the purpose of the application?

A CCN Applicant is required to demonstrate financial, managerial, and technical (FMT) capability to provide continuous and adequate service to any requested area. The questions in the application are structured to support an Applicant's FMT capabilities, consistent with the regulatory requirements.

Applicat	ion Summary		
Applicant: City of Bangs			
CCN No. to be amended: 11093			
Access to the second se			
or Obtain NEW CCN X Water	Sewer		
County(ies) affected by this application: Brown			
Dual CCN requested with: Brookesmith SUD			
CCN No.: 10435	(name of retail public utility) Portion or All of requested area		
Decertification of CCN for: City of Bangs			
CCN No.: 11093	Portion or All of requested area		
Table	of Contents		
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	eet and Income Schedule)13		
Appendix B: Projected Information			
Please mark the items included in this filing			
Partnership Agreement	Part A: Question 4		
Articles of Incorporation and By-Laws (WSC)	Part A. Question 4		
Certificate of Account Status	Part A Question 4		
Franchise, Permit, or Consent letter	Part B. Question 7		
Existing Infrastructure Map	Part B Question 8		
Customer Requests For Service in requested area Population Growth Report or Market Study	Part B: Question 9 Part B: Question 10		
TCEQ Engineering Approvals	Part B: Question 11		
Requests & Responses For Service to ½ mile utility providers	Part B: Question 12 B		
Economic Feasibility (alternative provider) Statement	Part B: Question 12 C		
Alternative Provider Analysis	Part B: Question 12 D		
Enforcement Action Correspondence	Part C: Question 16		
TCEQ Compliance Correspondence	Part D: Question 20		
Purchased Water Supply or Treatment Agreement Rate Study (new market entrant)	Part D: Question 23 Part E: Question 28		
Tariff/Rate Schedule	Part E: Question 29		
Financial Audit	Part E: Question 30		
Application Attachment A & B	Part E. Question 30		
Capital Improvement Plan	Part E. Question 30		
Disclosure of Affiliated Interests	Part E. Question 31		
Detailed (large scale) Map	Part F: Question 32		
General Location (small scale) Map	Part F: Question 32		
Digital Mapping Data Part F Question 32 Signed & Notarized Affidavit Page 12			
Signed & Hotalized Attituavit	. 450 . 4		

	Part A: Applicant Information
1.	A. Name: City of Bangs
	Individual Corporation WSC Other: Municipality B. Mailing Address: 109 s First st PO Box188 Bangs Texas,76823
	Phone No.: (325) 752-6223 Email: pubworks@cityofbangs.org
	C. Contact Person. Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title.
	Name: Billy Jordan Title: Director of Public Works
	Mailing Address: 109 s First st PO Box 188 Bangs Texas,76823
	Phone No.: (325) 998-9132 Email: pubworks@cityofbangs.org
2.	If the Applicant is someone other than a municipality, is the Applicant currently paid in full on the Regulatory Assessment Fees (RAF) remitted to the TCEQ?
	Yes No No
3.	If the Applicant is an Investor Owned Utility (IOU), is the Applicant current on Annual Report filings with the Commission? Yes No If no, please state the last date an Annual Report was filed:
4.	The legal status of the Applicant is:
	Individual or sole proprietorship
	Partnership or limited partnership (attach Partnership agreement)
	Corporation: Charter number (recorded with the Texas Secretary of State):
	Non-profit, member-owned, member controlled Cooperative Corporation [Article 1434(a) Water Supply or
	Sewer Service Corporation, incorporated under TWC Chapter 67]
	Charter number (as recorded with the Texas Secretary of State): Articles of Incorporation and By-Laws established (attach)
	Municipally-owned utility
	District (MUD, SUD, WCID, FWSD, PUD, etc.)
	County
	Affected County (a county to which Subchapter B, Chapter 232, Local Government Code, applies)
	Other (please explain):
5.	If the Applicant operates under an assumed name (i.e., any d/b/a), provide the name below:
	Name: City of Bangs

	Part B: Requested Area Information				
4					
6.	Provide details on the existing or expected land use in the requested area, including details on requested actions such as dual certification or decertification of service area.				
	The City of Bangs has a two inch pvc waterline that cannot service any additional customers at an adequate amount of water pressure. The City Of Bangs has discussed this with Brookesmith SUD that overlaps our ccn. Brookesmith SUD services customers in this immediate aera with an eight inch pvc waterline with plenty of capacity for future customers.				
7.	The requested area (check all applicable):				
	Currently receives service from the Applicant				
	Overlaps or is within municipal boundaries Overlaps or is within district boundaries				
	Municipality: City Of Bangs District:				
	Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:				
8.	Describe the circumstances (economic, environmental, etc.) driving the need for service in the requested area: The City Of Bangs has noticed a customer clearing a pasture within our ccn and wanted to have the documents approved from the proper authority and in order so to be able to quickly provide the potential customer with available water if the customer decides that he would like to potable water available at this location.				
9.	Has the Applicant received any requests for service within the requested area?				
	Yes* No *Attach copies of all applicable requests for service and show locations on a map				
10.	Is there existing or anticipated growth in the requested area?				
	Yes* No *Attach copies of any reports and market studies supporting growth				
11.	A. Will construction of any facilities be necessary to provide service to the requested area?				
	Yes* No *Attach copies of TCEQ approval letters				
	B. Date Plans & Specifications or Discharge Permit App. submitted to TCEQ: No				

N	AV	
D.	De	scribe the source and availability of funds for any required facilities to serve the requested area:
N	۱A	
		Note: Failure to provide applicable TCEQ construction or permit approvals, or evidence showing that the construction or permit approval has been filed with the TCEQ may result in the delay or possible dismissal of the application.
A.	and	d/or sewer utilities within one half mile from the outer boundary of the requested area below:
Th	and	
Th	and ne Cit ist sid	d/or sewer utilities within one half mile from the outer boundary of the requested area below: y of Bangs waterline is on the West side of FM 1849 and Brookesmith SUD services the
Th Eas	and ne Cit ist sid	d/or sewer utilities within one half mile from the outer boundary of the requested area below: y of Bangs waterline is on the West side of FM 1849 and Brookesmith SUD services the le 1849 within a eigth mile from the outer boundary.
Th Eas	ne Citust sid	y of Bangs waterline is on the West side of FM 1849 and Brookesmith SUD services the le 1849 within a eigth mile from the outer boundary.
Th Eas	Die Ves*	d/or sewer utilities within one half mile from the outer boundary of the requested area below: y of Bangs waterline is on the West side of FM 1849 and Brookesmith SUD services the le 1849 within a eigth mile from the outer boundary. d the Applicant request service from each of the above water or sewer utilities? No *Attach copies of written requests and copies of the written response tach a statement or provide documentation explaining why it is not economically feasible to obtain retail

	This will not effect any retail public utility and will not alter compliance or economic effects
	Part C: CCN Obtain or Amend Criteria Considerations
14.	Describe the anticipated impact and changes in the quality of retail utility service for the requested area:
	This will impact land owners in a positive way by increasing water pressure.
15.	Describe the experience and qualifications of the Applicant in providing continuous and adequate retail service:
16.	Has the Applicant been under an enforcement action by the Commission, TCEQ, Texas Department of Health (TDH), the Office of the Attorney General (OAG), or the Environmental Protection Agency (EPA) in the past five (5) years for non-compliance with rules, orders, or state statutes? Yes* No *Attach copies of any correspondence with the applicable regulatory agency concerning any enforcement actions, and attach a description of any actions or efforts the Applicant has taken to comply with these requirements.
17.	Explain how the environmental integrity of the land will or will not be impacted or disrupted as a result of granting the CCN as requested:
	The environmental integrity of the land will not be interrupted or have any negitive impact. the only activity that would occur is that if a land owner may want to purchase a water meter. If a water meter is purchased this will require escavating and placing service pipe to the land owners property.
18.	Has the Applicant made efforts to extend retail water or sewer utility service to any economically distressed area located within the requested area?
	The City of Bangs water meter is located on the south side of hwy 67/84. The customers line comes from the City of Bangs meter and runs under the highway and travels North.

19	9. List all neighboring water or sewer retail public utilities, cities, districts (including ground water conservation districts), counties, or other political subdivisions (including river authorities) providing the same service located within two (2) miles from the outer boundary of the requested area:						
	Prockoomith CLID	is the only ut	ility diatria in	the core	•		
	Brookesmith SUD is the only utility distric in the aera.						
	Pa	rt D: TCEQ Pub	olic Water Syst	tem or S	ewer (W	astewate	er) Information
20	. A. Complete the f	following for <u>all</u>	Public Water Sy	ystems (P	WS) asso	ciated wit	th the Applicant's CCN:
					Date of TCEQ		
	TCEQ PWS ID:	Name	of PWS:		inspect	-	Subdivisions served:
	·NA		NA				NA
-	TWV		107		-		IVA
-					+		
				*Attac	h eviden	ce of con	npliance with TCEQ for each PWS
				1 10000			
	B. Complete the f	ollowing for all	TCEQ Water (Quality (V	VQ) disch	arge perm	nits associated with the Applicant's CCN
_	*						
			Date Permit	Date of	TCEQ		
	TCEQ Discharge Perr	nit No:	expires:	inspect	ion*:		Subdivisions served:
	WQ-NA		•				
ŀ	WQ-						
-	WQ-			+			
-							
	WQ-						
			*Attach ev	vidence o	of compli	ance wit	h TCEQ for each Discharge Permit
	C The	CCNi	: 11 1	1:	DWC ID	imila	T 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	C. The requested	CCN service are	a will be served	i via:		1043	5 Brookesmith SUD
					WQ -		
21	List the number of ex	cisting connection	ons for the PWS	& Disch	arge Perm	it indicat	ed above (Question 20. C.):
	Water				Sewer		
	Non-metered	2"				Residential	
	5/8" or 3/4"	3"	,,		C	Commercial	
	1"	4"			In	Industrial	
	1 1/2"	Ot	her		0	ther	
	Total Water C				Table 1 and		Connections:
	2 3 6 6 7 6 6 6	The state of the s	and the water than the same	March L. A. Broke			
22	List the number of <u>a</u>	dditional connec	tions projected	for the re	quested C	CN area:	
	Water				Sewer		
	Non-metered	2"				ocidontic!	
		3"			Residential		1
	5/8" or 3/4"					ommercia	Ц
	1"	4"			Industrial		
	1 1/2"		ther		Other		
	Total Water C	onnections:	\1 /		Tota	1 Sewer C	Connections: £ 0

23.							
	X Yes*	No No	No *Attach a copy of purchase agreement or contract.				
		Capacity	is purchased from:				
		,	Water: BCWID				
		9	Sewer: NA		-		
	D A # 0 0 m v /						
	B. Are any of the Applicants PWS's required to purchase water to meet the TCEQ's minimum capacity requirements or TCEQ's drinking water standards?						
	Yes	⊠ No					
	C. What is t	the amount of	supply or treatment purchased	ner the agreement or	contract? Wh	at is the nercent of overall	
			irchased water or sewer treatm		contract: win	at is the percent of overall	
			Amount in Gallons	Percent of d	emand		
		Water:		0%			
		Sewer:		0%			
24.	Door the DWS	E or covier tre	atment plant have adequate of	connective to most the	vierant and n	rejected demands in the	
24,	requested area		aunem piam nave adequate t	capacity to meet the t	and pi	ojected demands in the	
	X Yes	No					
	<u></u>						
25.			EQ license number of the oper I to the requested area:	rators that will be respondent	onsible for the	e operations of the water or	
	sewer utility se		to the requested area.				
	Name (as it appears on license) Class License No. Water/Sewer						
					<u> </u>		
26.	A. Are any improvements required for the existing PWS or sewer treatment plant to meet TCEQ or Commission						
	standard						
	Yes No						
	B. Provide details on each required major capital improvement necessary to correct deficiencies to meet the TCEQ or Commission standards (attach any engineering reports or TCEQ approval letters):						
	Description of the Capital Improvement: Estimated Completion Date: Estimated Cost:						
	· · · · · · · · · · · · · · · · · · ·						
L							
27.	Provide a man	(or maps) sho	wing all facilities for producti	on, transmission, and	distribution, a	nd the location of existing	
-	or proposed cu	istomer connec	ctions, in the requested area. F	acilities should be idea	ntified on sub	division plats, engineering	
	planning maps	, or other large	e scale maps. Color coding car	i de used, and is encou	iraged, to disti	inguish types of facilities.	

				Part E: Financial information	
8.	rate suppromuse this rates and dolls the control of	jurisdiction ported by a rate submit a rate filing past to the histor support for the ar amount confirmation.	of the Commission, a ate study, which provide te filing package with ackage is to revise a unic test year. It is the A the original cost and in ollected under the rates	CN for the first time is an Investor Owned Utility (IOU) and under the original proposed tariff must be attached to the application. The proposed rates must be des all calculations and assumptions made. Once a CCN is granted, the Applicant the Commission within 18 months from the date service begins. The purpose of tility's tariff to adjust the rates to a historic test year and to true up the new tariff pplicant's responsibility in any future rate proceeding to provide written evidence installation date of all facilities used and useful for providing utility service. Any is charged during the test year in excess of the revenue requirement established by the proceeding shall be reflected as customer contributed capital going forward as tarposes.	
9.	If the Applicant is an existing IOU, please attach a copy of the current tariff and indicate:				
	A. Effective date for most recent rates:				
	B.	Was notice	e of this increase prov	ided to the Commission or a predecessor regulatory authority?	
		No No	Yes	Application or Docket Number:	
	C.	If notice w municipals	-	Commission, please explain why (ex: rates are under the jurisdiction of a	
		NA		or Sewer Service Corporation (WSC/SSC) and seeking to obtain a CCN.	

Dout C. Financial Information

30. Financial Information

Applicants must provide accounting information typically included within a balance sheet, income statement, and statement of cash flows. If the Applicant is an existing retail public utility, this must include historical financial information and projected financial information. However, projected financial information is only required if the Applicant proposes new service connections and new investment in plant, or if requested by Commission Staff. If the Applicant is a new market entrant and does not have its own historical balance sheet, income statement, and statement of cash flows information, then the Applicant should establish a five-year projection.

attach a copy of the current tariff.

Historical Financial Information may be shown by providing any combination of the following that includes necessary information found in a balance sheet, income statement, and statement of cash flows:

- 1. Completed Appendix A;
- 2. Documentation that includes all of the information required in Appendix A in a concise format; or
- 3. Audited financial statements issued within 18 months of the application filing date. This may be provided electronically by providing a uniform resource locator (URL) or a link to a website portal.

Projected Financial Information may be shown by providing any of the following:

- 1. Completed Appendix B;
- 2. Documentation that includes all of the information required in Appendix B in a concise format;
- 3. A detailed budget or capital improvement plan, which indicates sources and uses of funds required, including improvements to the system being transferred; or
- 4. A recent budget and capital improvements plan that includes information needed for analysis of the operations test for the system being transferred and any operations combined with the system. This may be provided electronically by providing a uniform resource locator (URL) or a link to a website portal.
- 31. Attach a disclosure of any affiliated interest or affiliate. Include a description of the business relationship between all affiliated interests and the Applicant.

DO NOT INCLUDE ATTACHMENTS A OR B IF LEFT BLANK

Part F: Mapping & Affidavits

- 32. Provide the following mapping information with each of the seven (7) copies of the application:
 - 1. A general location (small scale) map identifying the requested area in reference to the nearest county boundary, city, or town. The Applicant should adhere to the following guidance:
 - i. If the application includes an amendment for both water and sewer certificated service areas, separate maps must be provided for each.
 - ii. A hand drawn map, graphic, or diagram of the requested area is not considered an acceptable mapping document.
 - To maintain the integrity of the scale and quality of the map, copies must be exact duplicates of the original map. Therefore, copies of maps cannot be reduced or enlarged from the original map, or in black and white if the original map is in color.
 - A detailed (large scale) map identifying the requested area in reference to verifiable man-made or natural landmarks such as roads, rivers, and railroads. The Applicant should adhere to the following guidance:
 - i. The map should be clearly labeled and the outer boundary of the requested area should be marked in reference to the verifiable man-made or natural landmarks. These verifiable man-made and/or natural landmarks must be labeled and marked on the map as well.
 - ii. If the application includes an amendment for both water and sewer certificated service area, separate maps need to be provided for each.
 - iii. To maintain the integrity of the scale and quality of the map, copies must be exact duplicates of the original map. Therefore, copies of maps cannot be reduced or enlarged from the original map, or in black and white if the original map is in color.
 - 3. One of the following identifying the requested area:
 - i. A metes and bounds survey sealed or embossed by either a licensed state land surveyor or a registered professional land surveyor. Please refer to the mapping guidance in part 2 (above);

- ii. A recorded plat. If the plat does not provide sufficient detail, Staff may request additional mapping information. Please refer to the mapping guidance in part 2 (above); or
- Digital mapping data in a shapefile (SHP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US Feet) or in NAD 83 Texas Statewide Mapping System (Meters). The digital mapping data shall include a single, continuous polygon record. The following guidance should be adhered to:
 - **a.** The digital mapping data must correspond to the same requested area as shown on the general location and detailed maps. The requested area must be clearly labeled as either the water or sewer requested area.
 - **b.** A shapefile should include six files (.dbf, .shp, .shx, .sbx, .sbn, and the projection (.prj) file).
 - c. The digital mapping data shall be filed on a data disk (CD or USB drives), clearly labeled, and filed with Central Records. Seven (7) copies of the digital mapping data is also required.

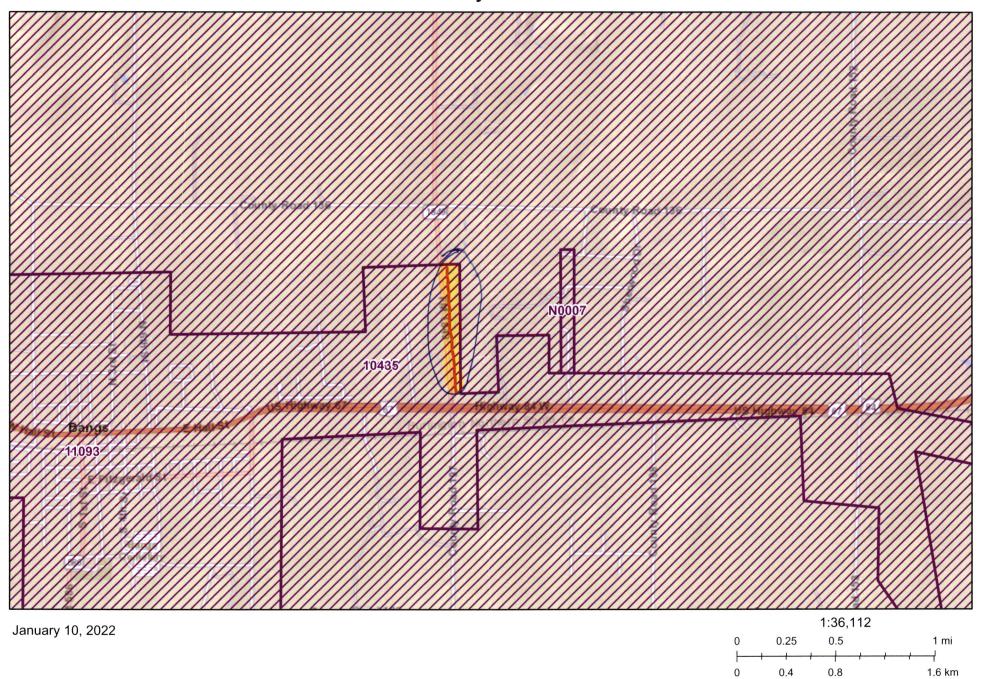
Part G: Notice Information

The following information will be used to generate the proposed notice for the application.

DO NOT provide notice until the application is deemed sufficient for filing and the Applicant is ordered to provide notice.

33.	Complete the following using verifiable man-made and/or nat the requested area (to be stated in the notice documents). I boundary of the requested area:	
	The total acreage of the requested area is approximately:	5
	Number of customer connections in the requested area:	2
	The closest city or town:	
	Approximate mileage to closest city or town center:	
	Direction to closest city or town:	
	The requested area is generally bounded on the North by:	
	on the <u>East</u> by:	The Fence
	on the South by:	The Fence
	on the West by:	
34.	A copy of the proposed map will be available at	

Public Utility Commission



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

	Applicant	's Oath
STATE OF	Texas	
COUNTY OF	Brown	
I,Billy Jordan		being duly sworn, file this application to
obtain or amend a	water or sewer CCN, as 11093	
the documents file that all such states other parties are i	ch capacity, I am qualified and authorized to fed with this application, and have complied unents made and matters set forth therein with	nember of partnership, title as officer of corporation, or authorized representative) file and verify such application, am personally familiar with with all the requirements contained in the application; and, respect to Applicant are true and correct. Statements about ate that the application is made in good faith and that this ommission.
I further represent		ed, altered, or amended from its original form. ad adequate service to all customers and qualified applicants or amend its CCN be granted.
verified Power of	is form is any person other than the sole owne Attorney must be enclosed. AND SWORN BEFORE ME, a Notary Publication.	(Utility's Authorized Representative) r, partner, officer of the Applicant, or its attorney, a properly ic in and for the State of Texas
	SEAL	
A CONTRACTOR OF THE PARTY OF TH	LAVONNA SAUNDERS My Notary ID # 132930854 Expires February 18, 2025	NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
		PRINT OR TYPE NAME OF NOTARY
	My commission expires:	,