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DOCKET NO. 53709

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY,	§	
LLC AND GEORGE FULLER,	§	
EXECUTOR OF THE ESTATE OF	§	OF TEXAS
VIRGINIA FULLER, FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES IN TARRANT COUNTY	§	

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

On June 13, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and George Fuller, Executor of the Estate of Virginia Fuller, (collectively, Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate of convenience and necessity (CCN) rights in Lubbock County. CSWR-Texas filed supplemental information on June 14, June 20, June 27, and August 16, 2022.

On August 2, 2022, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate, by October 3, 2022. Therefore, this pleading is timely filed.

I. REQUEST TO RESTYLE DOCKET

On June 13, 2022, the Applicant filed its application for the STM of facilities and CCN rights in Tarrant County. Staff respectfully requests that the docket be restyled to “*Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities and Certificate Rights in Lubbock County.*”

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from James Harville, Infrastructure Division, and Ethan Blanchard, 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.

III. 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 Mr. Harville. 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

IV. 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	November 3, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	November 14, 2022
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, 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: October 3, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

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Managing Attorney

/s/ Margaux Fox
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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 October 3, 2022, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox
Margaux Fox

Public Utility Commission of Texas

Memorandum

TO: Margaux Fox, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: October 3, 2022

RE: Docket No. 53709 – *Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities in Tarrant County*

CSWR-Texas Utility Operating Company, LLC (CSWR) and the George Fuller, Executor of the Estate of Virginia Fuller (George Fuller) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Lubbock County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Staff notes that the current style of this docket is “*Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities in Tarrant County.*” Staff requests that the style of the docket be changed to “*Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities and Certificate Rights in Lubbock County.*”

Specifically, CSWR, Certificate of Convenience and Necessity (CCN) No. 21120, seeks approval to acquire facilities and to transfer all of the sewer service area from George Fuller under inactive sewer CCN No. 20743.

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps submitted with Item 19 on September 1, 2022 are sufficient.

- The requested area includes 44 customer connections and approximately 193 acres of transferred area from CCN No. 20743 to CCN No. 21120.
- The application proposes the subtraction of approximately 193 acres from CCN No. 20743 and the addition of approximately 193 acres to CCN No. 21120.
- The application indicates that the total acreage being requested is approximately 194

acres, however, the mapping review determined the requested area is approximately 193 acres.

Based on the mapping review and my technical and managerial review of the additional information filed on September 1, 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:
 - *Brazos River Authority*
 - *Canadian River Municipal Water Authority*
 - *City of Lubbock (CCN No. 20230)*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Lubbock County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *High Plains Underground Water Conservation District No. 1*
 - 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.
- 3) Provide a copy of the maps 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 maps 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 George Fuller. CSWR and George Fuller will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Margaux Fox
Legal Division

FROM: Ethan Blanchard
Rate Regulation Division

DATE: October 3, 2022

RE: Docket No. 53709 – *Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

On June 13, 2022, CSWR-Texas Utility Operating Company (CSWR-TUOC), CCN No. 21120, and George Fuller 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.

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
INACTIVE CCN NO. 20743 FROM GEORGE FULLER, EXECUTOR OF THE ESTATE OF
VIRGINIA FULLER IN LUBBOCK COUNTY, TEXAS

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

(Address)

(City State Zip)

<u>CSWR-Texas Utility Operating Company, LLC</u> (Purchaser's Name)	<u>1630 Des Peres Rd, Suite 140</u> (Address)
<u>St. Louis, MO</u> (City), (State)	<u>63131</u> (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the sewer facilities and to transfer all sewer certificated service area under inactive CCN No. 20743 in Lubbock County, TX from:

<u>George Fuller, Executor of the Estate of Virginia Fuller</u> (Purchaser's Name)	<u>401 N. Carroll Avenue, Ste. 156</u> (Address)
<u>Southlake, TX</u> (City), (State)	<u>76092</u> (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:

The requested area includes 44 customer connections, is located approximately 4.2 mile(s) northeast of downtown Lubbock, Texas, and is generally bounded on the north by approximately 780 feet north of East Ursuline Street; on the east by Idalou Road; on the south by United States Highway 62; and on the west by North Redwood Avenue.

The requested area includes approximately 193 acres of transferred area from CCN No. 20743 to CCN No. 21120.

The application proposes the subtraction of approximately 193 acres from CCN No. 20743 and the addition of approximately 193 acres to CCN No. 21120.

See enclosed maps 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
Notice Form Updated: March 31, 2022

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 53709

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