



Filing Receipt

Received - 2023-01-23 12:43:26 PM

Control Number - 53922

ItemNumber - 10

DOCKET NO. 53922

APPLICATION OF SKYLINE DRIVE	§	PUBLIC UTILITY COMMISSION
LANDOWNERS ASSOCIATION AND	§	
JOHNSON COUNTY SPECIAL UTILITY	§	OF TEXAS
DISTRICT FOR SALE, TRANSFER OR	§	
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS JOHNSON	§	
COUNTY	§	

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, PROPOSED NOTICE, AND PROPOSED PROCEDURAL
SCHEDULE AND REQUEST TO RESTYLE THE DOCKET**

On August 1, 2022, Skyline Drive Landowners Association Water System (SDLA) and Johnson County Special Utility District (Johnson County SUD) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate rights in Johnson County. Specifically, Johnson County SUD, Certificate of Convenience and Necessity (CCN) No. 10081, seeks approval to acquire facilities and to transfer all of the water service area from SDLA under water CCN No. 12479. On December 19, 2022, the Applicants filed an amended application, in which Johnson County SUD also seeks approval to amend its CCN for uncertificated service area separate from the area to be transferred in the STM.

On December 1, 2022, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 23, 2023 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the administrative completeness of the application and proposed notice and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the amended application and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division and Fred Bednarski, Rate Regulation Division, recommends that the amended 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, landowners, and other persons

listed in Ms. Mathis' memorandum using the notice forms provided. Along with each individual notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area. Staff further recommends that the Applicants publish notice of the application for two consecutive weeks in a newspaper of general circulation in Johnson County.

Once notice has been provided, Staff recommends that the Applicants file proof of individual and published notice, as described in Ms. Mathis' memorandum. Specifically, for proof of individual notice, the Applicants must file 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 notice and attached map that was provided. And for proof of published notice, the Applicants must file a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that the Applicants use the attached notice forms and affidavits to meet these requirements.

III. PROPOSED 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 and the newspaper tear sheets	February 22, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	March 6, 2023
Deadline to intervene	30 days after notice is issued

IV. REQUEST TO RESTYLE THE DOCKET

Staff respectfully recommends that the docket be restyled as *Application of Skyline Drive Landowners Association Water System and Johnson County Special Utility District for Sale, Transfer, or Merger of Facilities and to Amend Johnson County Special Utility District's Water Certificate of Convenience and Necessity in Johnson County*. Specifically, based on the amended application, in addition to seeking to acquire SDLA's facilities and certificated service area,

Johnson County SUD also seeks to amend its CCN to add uncertificated service area. Further, SDLA's certificated name is *Skyline Drive Landowners Association Water System*.¹

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that the Applicants be directed to provide notice as detailed above and in Ms. Mathis' memorandum, that the docket be restyled as proposed above, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 23, 2023

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
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Scott.Miles@puc.texas.gov

¹ *Application of Skyline Drive Landowners Association Water System to Decertify a Portion of its Water Certificate of Convenience and Necessity in Johnson County*, Docket No. 52453, Order No. 8 Lifting Abatement, Granting Good Cause Exception, Certificate Name Request and Requesting Proposed Procedural Schedule (May, 10, 2022); *see also* Docket No. 52453, Order (Nov. 3, 2022).

DOCKET NO. 53922

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 January 23, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: January 23, 2023

RE: Docket No. 53922 – *Application of Skyline Drive Landowners Association and Johnson County Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Johnson County*

On August 1, 2022, Johnson County Special Utility District (Johnson County SUD) and Skyline Drive Landowners Association Water System (SDLA) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate rights in Johnson County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. On December 19, 2022, the Applicants filed an amended application, in which Johnson County SUD also seeks approval to amend its CCN for uncertificated service area separate from the area to be transferred in the STM.

Specifically, Johnson County SUD, Certificate of Convenience and Necessity (CCN) No. 10081, seeks approval to acquire facilities and to transfer all of the water service area from SDLA under water CCN No. 12479. Additionally, as detailed above, Johnson County SUD also seeks approval to amend its CCN to add uncertificated service area.

Based on the mapping review by Hank Journeay, Infrastructure Division, the revised maps submitted with Item 8 and revised digital mapping data submitted with Item 9 on December 19, 2022 are sufficient.

- The requested area includes 34 customer connections and approximately 88.5 acres, comprised of:
26.8 acres of uncertificated area; and
61.7 acres of transferred area from CCN No. 12479.
- The application proposes the subtraction of approximately 61.7 acres from CCN No. 12479 and the addition of approximately 88.5 acres to CCN No. 10081.

Based on the mapping review and my technical and managerial review of the additional information filed on December 19, 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*
 - *James A Dyche (CCN No. 12037)*
 - *Texas Water Utilities LP (CCN No. 12983)*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Johnson County Judge.*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Prairielands Groundwater Conservation District*
 - d. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - e. 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) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Johnson County SUD must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) 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, landowners and customers.

- 5) 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, specify whether or not landowners were provided notice the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

Public Utility Commission of Texas

Memorandum

TO: Scott Miles
Legal Division

FROM: Fred Bednarski
Rate Regulation Division

DATE: January 23, 2023

RE: Docket No. 53922 – *Application of Skyline Drive Landowners Association and Johnson County Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Johnson County*

On August 1, 2022, Skyline Drive Landowners Association Water System (SDLA), Certificate of Convenience and Necessity (CCN) No. 12479, and Johnson County Special Utility District (Johnson County SUD), CCN No. 10081, (collectively, Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate rights in Johnson County under the provisions of Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. On December 19, 2022, the Applicants filed an amended application, in which Johnson County SUD also seeks approval to amend its CCN for uncertificated service area separate from the area to be transferred in the STM.

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, Landowners, Neighboring Systems, and Cities
JOHNSON COUNTY SPECIAL UTILITY DISTRICT, CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) NO. 10081, NOTICE OF INTENT TO AMEND ITS CCN AND TO
PURCHASE WATER FACILITIES AND TRANSFER WATER SERVICE AREA UNDER
CCN NO. 12479 FROM SKYLINE DRIVE LANDOWNERS ASSOCIATION WATER
SYSTEM IN JOHNSON COUNTY, TEXAS

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

(Address)

(City State Zip)

Johnson County SUD	P.O. Box 1390	Joshua, TX	76058
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to its CCN, purchase all of the water facilities and to transfer water certificated service area under CCN No. 12479, in Johnson County, TX from:

Skyline Drive Landowners Association Water System	8604 Skyline Drive	Joshua, TX	76058
(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:
Skyline Drive.

The requested area includes 34 customer connections, is located approximately 4.7 mile(s) northeast of downtown Godley, Texas, and is generally bounded on the north by the intersection of First Street and Texas Street; on the east by County Road 915B; on the south by County Road 915; and on the west by Clearview Drive.

The requested area includes approximately 88.5 acres, comprised of:
26.8 acres of uncertificated area; and
61.7 acres of transferred area from CCN No. 12479.

The application proposes the subtraction of approximately 61.7 acres from CCN No. 12479 and the addition of approximately 88.5 acres to CCN No. 10081.

See enclosed maps showing the requested area.

The proposed transaction may change the current customers' rates and services to the current approved rates and services of Johnson County SUD, which are higher than the current rate for a 5/8" meter for Skyline Drive Landowners Association Water System. To view a copy of the current approved tariff, go to: 8604 Skyline Drive, Joshua, TX 76058 or email rgc42@yahoo.com or call 817-517-3111 to request a copy.

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.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 53922

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

Notice for Publication

JOHNSON COUNTY SPECIAL UTILITY DISTRICT, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10081, NOTICE OF INTENT TO AMEND ITS CCN AND TO PURCHASE WATER FACILITIES AND TRANSFER WATER SERVICE AREA UNDER CCN NO. 12479 FROM SKYLINE DRIVE LANDOWNERS ASSOCIATION WATER SYSTEM IN JOHNSON COUNTY, TEXAS

Johnson County SUD	P.O. Box 1390	Joshua, TX	76058
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to its CCN, purchase all of the water facilities and to transfer water certificated service area under CCN No. 12479, in Johnson County, TX from:

Skyline Drive Landowners Association Water System	8604 Skyline Drive	Joshua, TX	76058
(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:
Skyline Drive.

The requested area includes 34 customer connections, is located approximately 4.7 mile(s) northeast of downtown Godley, Texas, and is generally bounded on the north by the intersection of First Street and Texas Street; on the east by County Road 915B; on the south by County Road 915; and on the west by Clearview Drive.

The requested area includes approximately 88.5 acres, comprised of:
26.8 acres of uncertificated area; and
61.7 acres of transferred area from CCN No. 12479.

The application proposes the subtraction of approximately 61.7 acres from CCN No. 12479 and the addition of approximately 88.5 acres to CCN No. 10081.

A copy of the maps showing the requested area are available at: 8604 Skyline Drive, Joshua, TX 76058

The proposed transaction may change the current customers' rates and services to the current approved rates and services of Johnson County SUD, which are higher than the current rate for a 5/8" meter for Skyline Drive Landowners Association Water System. To view a copy of the current approved tariff, go to: 8604 Skyline Drive, Joshua, TX 76058 or email rgc42@yahoo.com or call 817-517-3111 to request a copy.

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.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 53922

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 _____