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DOCKET NO. 54147

APPLICATION OF ROLLING V WATER	§	PUBLIC UTILITY COMMISSION
CONTROL AND IMPROVEMENT	§	
DISTRICT NO. 3 FOR A CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
AND FOR DUAL CERTIFICATION WITH	§	
THE CITY OF RHOME IN WISE	§	
COUNTY	§	

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

On September 23, 2022, Rolling V Water Control and Improvement District No. 3 (Rolling V WCID No. 3) filed an application to obtain a water certificate of convenience and necessity (CCN) and for dual certification with the City of Rhome in Wise County. Rolling V WCID No. 3 filed supplemental information on October 21 and November 4, 2022, February 16, March 3, May 9, and July 10, 2023.

On June 12, 2023, the administrative law judge (ALJ) filed Order No. 10, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and proposed notice by August 9, 2023. 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 Jolie Mathis, Infrastructure Division and Fred Bednarski, Rate Regulation Division recommends that the supplemented application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that Applicants proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Ms. Mathis. Along with each individual notice, Staff recommends that Rolling V WCID No. 3 provide an accurate map delineating the requested

service area. Staff further recommends that Rolling V WCID No. 3 publish notice of the application for two consecutive weeks in a newspaper of general circulation in Wise County.

Once notice has been provided, Staff recommends that Rolling V WCID No. 3 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. Rolling V WCID No. 3 should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Rolling V WCID No. 3 use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore propose the following procedural schedule:

Event	Date
Deadline for Rolling V WCID No. 3 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 published in a newspaper of general circulation	September 25, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	October 5, 2023
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 Rolling V WCID No. 3 be directed to provide notice as described in Ms. Mathis' attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: August 9, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Sneha Patel
Managing Attorney

/s/ Forrest Smith
Forrest Smith
State Bar No. 24093643
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7388
(512) 936-7268 (facsimile)
Forrest.Smith@puc.texas.gov

DOCKET NO. 54147

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 August 9, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: August 9, 2023

RE: Docket No. 54147 – *Application of Rolling V Ranch Water Control and Improvement District No. 3 of Wise County for a Certificate of Convenience and Necessity and for Dual Certification with the City of Rhome in Wise County*

On September 23, 2022, Rolling V Ranch Water Control and Improvement District No. 3 of Wise County (Rolling V WCID No. 3) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) and for dual certification with the City of Rhome (Rhome) in Wise County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 17 on March 3, 2023, and the revised agreement for dual certification submitted with Item 25 on July 10, 2023 are sufficient.

- The requested area includes 14 customer connections and approximately 2,367.5 acres, comprised of dual certificated area with City of Rhome (CCN No. 10989).
- The application proposes the addition of approximately 2,367.5 acres and the issuance of water CCN number to Rolling V Ranch WCID No. 3 of Wise County.
- 2,367.5 acres will be dual certification between Rolling V Ranch Water Control and Improvement District No. 3 of Wise County (issuance of water CCN number) and the City of Rhome (CCN No. 10989).

Based on the mapping review and my technical and managerial review of the additional information filed by Rolling V WCID No. 3 on July 10, 2023, I recommend that the application be deemed administratively complete. I further recommend that Rolling V WCID No. 3 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:
 - *Alpha Ranch Water Control and Improvement District (WCID) of Denton and Wise counties*
 - *Aqua Texas, Inc. (CCN No. 13201)*
 - *City of Aurora (CCN No. 13181)*
 - *City of Fort Worth (CCN No. 12311)*
 - *City of Newark*
 - *City of Rhome (CCN No. 10989)*
 - *Far North Fort Worth Municipal Utility District (MUD) 1*
 - *Jones Acres Water (CCN No. 11679)*
 - *Palo Duro Service Company, Inc. (CCN No. 12200)*
 - *New Fairview*
 - *New Fairview MUD 1*
 - *Rolling V Ranch WCID 1 of Wise County*
 - *Tarrant Regional Water District*
 - *Texas Water Utilities, LP (CCN No. 12983)*
 - *Trinity River Authority of Texas*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Wise County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Upper Trinity Groundwater Conservation District.*
- d. Each landowner 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, Rolling V WCID No.

3 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:
 - a. A copy of the notices (1 example of each type of notice).
 - b. The general location and detailed maps deemed sufficient during administrative review.
 - c. The signed affidavits for published notice and mailed notices.
 - d. A list specifying every person and entity to whom notice was provided.
 - e. If there are multiple landowners provide:
 - i. A map of the applicable county appraisal district parcels located within the requested area. The map should identify each property ID for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area; and
 - ii. A list of the applicable county appraisal district parcels located within the requested area. The list should include the following for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area;
 1. Each property ID;
 2. Landowner Name;
 3. Address; and
 4. The acreage owned by each listed landowner.
 - f. The publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter for the water treatment plant, facilities, and distribution system that will provide water service for the requested area from TCEQ once it is received. Rolling V WCID No. 3 must file the approval letter prior to Staff making a final recommendation on the application.

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 Rolling V WCID No. 3. Rolling V WCID No. 3 will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith
Legal Division

FROM: Fred Bednarski
Rate Regulation Division

DATE: August 9, 2023

RE: Docket No. 54147 – *Application of Rolling V Water Control and Improvement District No. 3 of Wise County to Obtain a Water Certificate of Convenience and Necessity and for Dual Certification with the City of Rhome in Wise County*

On September 23, 2022, Rolling V Water Control and Improvement District No. 3 of Wise County (Rolling V WCID No. 3) filed an application to obtain a water Certificate of Convenience and Necessity and for dual certification with the City of Rhome in Wise County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 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 for Publication

NOTICE OF APPLICATION OF ROLLING V RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 TO OBTAIN A CERTIFICATE(S) OF CONVENIENCE AND NECESSITY AND TO DUALY CERTIFY WITH CITY OF RHOME'S CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10989 TO PROVIDE WATER UTILITY SERVICE IN WISE COUNTY, TEXAS

Rolling V Ranch Water Control and Improvement District No. 3 has filed an application with the Public Utility Commission of Texas to obtain a water certificate of convenience and necessity (CCN) and to dually certify with CCN No. 10989 of the City of Rhome for the provision of retail water utility service in Wise County, Texas.

The requested area overlaps the district boundaries of Rolling V Ranch Water Control and Improvement District 1 of Wise County. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the Rolling V Ranch Water Control and Improvement District No. 3's request to provide retail water utility service in the requested area.

The requested area includes 14 customer connections, is located approximately 0.7 mile(s) south of downtown Rhome, Texas, and is generally bounded on the north by State Highway 114; on the east by United States Highway 287; on the south by Tarrant and Wise county line boundary; and on the west by Farm to Market 718.

The requested area includes approximately 2,367.5 acres, comprised of dual certificated area with City of Rhome (CCN No. 10989).

The application proposes the addition of approximately 2,367.5 acres and the issuance of water CCN number to Rolling V Ranch WCID No. 3 of Wise County.

2,367.5 acres will be dual certification between Rolling V Ranch Water WCID No. 3 of Wise County (issuance of water CCN number) and the City of Rhome (CCN No. 10989).

A copy of the maps showing the requested area are available at: 2728 N Harwood, Suite 500, Dallas, TX 75201

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 a 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.

A landowner that opts out from the requested area releases the applicant’s obligation to provide retail water or sewer utility service to the removed land for any reason.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 54147

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 _____

Notice to Neighboring Systems, Customers, and Cities

**NOTICE OF APPLICATION OF ROLLING V RANCH WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 3 TO OBTAIN A CERTIFICATE(S) OF CONVENIENCE
AND NECESSITY AND TO DUALY CERTIFY WITH CITY OF RHOME'S CERTIFICATE
OF CONVENIENCE AND NECESSITY NO. 10989 TO PROVIDE WATER UTILITY
SERVICE IN WISE COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Rolling V Ranch Water Control and Improvement District No. 3 has filed an application with the Public Utility Commission of Texas to obtain a water certificate of convenience and necessity (CCN) and to dually certify with CCN No. 10989 of the City of Rhome for the provision of retail water utility service in Wise County, Texas.

The requested area overlaps the district boundaries of Rolling V Ranch Water Control and Improvement District 1 of Wise County. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the Rolling V Ranch Water Control and Improvement District No. 3's request to provide retail water utility service in the requested area.

The requested area includes 14 customer connections, is located approximately 0.7 mile(s) south of downtown Rhome, Texas, and is generally bounded on the north by State Highway 114; on the east by United States Highway 287; on the south by Tarrant and Wise county line boundary; and on the west by Farm to Market 718.

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2,367.5 acres will be dual certification between Rolling V Ranch Water WCID No. 3 of Wise County (issuance of water CCN number) and the City of Rhome (CCN No. 10989).

See enclosed maps showing the requested area.

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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.

A landowner that opts out from the requested area releases the applicant's obligation to provide retail water or sewer utility service to the removed land for any reason.

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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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 54147

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual
notice via first-class mail to the following entities, affected parties, and customers (include a list if
more than four):

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 to Landowners

**NOTICE OF APPLICATION OF ROLLING V RANCH WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 3 TO OBTAIN A CERTIFICATE(S) OF CONVENIENCE
AND NECESSITY AND TO DUALY CERTIFY WITH CITY OF RHOME'S CERTIFICATE
OF CONVENIENCE AND NECESSITY NO. 10989 TO PROVIDE WATER UTILITY
SERVICE IN WISE COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Rolling V Ranch Water Control and Improvement District No. 3 has filed an application with the Public Utility Commission of Texas to obtain a water certificate of convenience and necessity (CCN) and to dually certify with CCN No. 10989 of the City of Rhome for the provision of retail water utility service in Wise County, Texas.

The requested area overlaps the district boundaries of Rolling V Ranch Water Control and Improvement District 1 of Wise County. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the Rolling V Ranch Water Control and Improvement District No. 3's request to provide retail water utility service in the requested area.

The requested area includes 14 customer connections, is located approximately 0.7 mile(s) south of downtown Rhome, Texas, and is generally bounded on the north by State Highway 114; on the east by United States Highway 287; on the south by Tarrant and Wise county line boundary; and on the west by Farm to Market 718.

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See enclosed maps showing the requested area.

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.

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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.

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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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS DOCKET NO. 54147

STATE OF TEXAS

COUNTY OF _____

- _____ has
- ☐ Determined that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area.
 - ☐ Provided individual notice via first-class mail to the following landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area:

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: June 9, 2023