



## Filing Receipt

**Received - 2023-03-08 02:00:55 PM**

**Control Number - 54429**

**ItemNumber - 7**

**DOCKET NO. 54429**

<b>APPLICATION OF PALO DURO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SERVICE COMPANY DBA TRINITY</b>	<b>§</b>	
<b>RIVER ESTATES AND CITY OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>HUDSON OAKS FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN PARKER COUNTY</b>	<b>§</b>	

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

**I. BACKGROUND**

On December 6, 2022, Palo Duro Service Company dba Trinity River Estates and the City of Hudson Oaks (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Parker County.

On January 6, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments on the administrative completeness of the application and notice by March 8, 2023. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Jaspinder Singh, Infrastructure 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. Singh. 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. 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	April 10, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	April 20, 2023
Deadline to intervene	30 days after notice is issued

**V. REQUEST TO RESTYLE THE DOCKET**

The case style identifies the selling entity name but does not identify the acquiring entity as specified in further detail in the memorandum of Jaspinder Singh of the Commission’s Infrastructure Division. As such, Staff respectfully requests that the docket be restyled as follows: *“APPLICATION OF PALO DURO SERVICE COMPANY, INC. AND THE CITY OF HUDSON OAKS FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN PARKER COUNTY”*.

**VI. 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: March 8, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Forrest Smith  
Forrest Smith  
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**DOCKET NO. 54429**

**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 2023-03-08 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Jaspinder Singh, Engineering Specialist  
Infrastructure Division

**DATE:** March 8, 2023

**RE:** *Docket No. 54429 – Application of Palo Duro Service Company dba Trinity River Estates and the City of Hudson Oaks for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County*

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On December 6, 2022, Palo Duro Service Company, Inc. dba Trinity River Estates (Palo Duro) and the City of Hudson Oaks (COHO) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Parker 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 Palo Duro Service Company dba Trinity River Estates and City of Hudson Oaks for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County.*” The acquiring entity name is “City of Hudson Oaks” according to the Secretary of State Certificate of Filing. The selling entity name is “Palo Duro Service Company, Inc.” according to the Secretary of State Certificate of Filing and the previously issued certificate from the Texas Water Commission. Staff requests that the style of the docket be changed to “*Application of Palo Duro Service Company, Inc. and the City of Hudson Oaks for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County*”.

Specifically, COHO, Certificate of Convenience and Necessity (CCN) No. 12273, seeks approval to acquire facilities and to transfer a portion of the water service area from Palo Duro under water CCN No. 12200.

Based on the mapping review by Dave Babicki, Infrastructure Division, the digital mapping data submitted with Item 1 on December 6, 2022 and the revised maps submitted with Item 6 on February 15, 2023 are sufficient.

- The requested area includes 29 customer connections and approximately 68.5 acres, comprised of:

0.1 acres of transferred area from Palo Duro (CCN No. 12200) to COHO (CCN No. 12273); and  
68.4 acres of decertified area from Palo Duro (CCN No. 12200), that removes dual certification with COHO (CCN No. 12273).

- The application proposes the subtraction of approximately 68.4 acres from CCN No. 12200 and the addition of approximately 0.1 acres to CCN No. 12273.
- 68.5 acres will be single certification to CCN No. 12273; and 0 acres will be dual certification with CCN No. 12200.
- The application indicates that the total acreage being requested is approximately 68 acres, however, the mapping review determined the requested area is approximately 68.5 acres.

Based on the mapping review and my technical and managerial review of the additional information filed on February 15, 2023, 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:
    - *City of Weatherford (CCN No. 10282)*
    - *Highland Water Supply Corporation (WSC) (CCN No. 11970)*
    - *New Progress WSC (CCN No. 11844)*
    - *Town of Annetta (CCN No. 13196)*
    - *Town of Annetta North*
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - *Parker 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) 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, COHO 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, 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, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

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 COHO and Palo Duro. COHO and Palo Duro will have 20 days from the receipt of the RFI to respond.

***Notice to Current Customers, Neighboring Systems, and Cities***  
CITY OF HUDSON OAKS, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
NO. 12273, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO  
TRANSFER WATER SERVICE AREA UNDER CCN NO. 12200 FROM PALO DURO  
SERVICE COMPANY, INC. IN PARKER COUNTY, TEXAS

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

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

City of Hudson Oaks 210 Hudson Oaks Drive Hudson Oaks, TX 76087  
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of the water facilities and to transfer water certificated service area under CCN No. 12200, in Parker County, TX from:

Palo Duro Service Company, Inc. 3505 Williams Road Fort Worth, TX 76116-7029  
(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:  
Trinity River Estates MHP.

The requested area includes 29 customer connections, is located approximately 1.5 mile(s) southwest of downtown Hudson Oaks, Texas, and is generally bounded on the north by East Bankhead Highway; on the east by the intersection of East Bankhead Highway and Bankhead Court; on the south by Annetta Center Point Road; and on the west by Center Point Road.

The requested area includes approximately 68.5 acres, comprised of:

0.1 acres of transferred area from Palo Duro Service Company, Inc. (CCN No. 12200) to City of Hudson Oaks (CCN No. 12273); and

68.4 acres of decertified area from Palo Duro Service Company, Inc. (CCN No. 12200), that removes dual certification with City of Hudson Oaks (CCN No. 12273).

The application proposes the subtraction of approximately 68.4 acres from CCN No. 12200 and the addition of approximately 0.1 acres to CCN No. 12273.

68.5 acres will be single certification to CCN No. 12273; and 0 acres will be dual certification with CCN No. 12200.

**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 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

**Notice for Publication**

CITY OF HUDSON OAKS, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12273, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12200 FROM PALO DURO SERVICE COMPANY, INC. IN PARKER COUNTY, TEXAS

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

City of Hudson Oaks 210 Hudson Oaks Drive Hudson Oaks, TX 76087  
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of the water facilities and to transfer water certificated service area under CCN No. 12200, in Parker County, TX from:

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- 0.1 acres of transferred area from Palo Duro Service Company, Inc. (CCN No. 12200) to City of Hudson Oaks (CCN No. 12273); and
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The application proposes the subtraction of approximately 68.4 acres from CCN No. 12200 and the addition of approximately 0.1 acres to CCN No. 12273.

68.5 acres will be single certification with CCN No. 12273; and 0 acres will be dual certification with CCN No. 12200.

**A copy of the maps showing the requested area are available at: City of Hudson Oaks City Hall**

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.*

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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. 54429

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 54429

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 \_\_\_\_\_