



## Filing Receipt

**Received - 2023-03-16 08:04:41 AM**  
**Control Number - 54488**  
**ItemNumber - 10**

**DOCKET NO. 54488**

|                                     |          |                                  |
|-------------------------------------|----------|----------------------------------|
| <b>APPLICATION OF FOREST GLEN</b>   | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>UTILITY COMPANY TO AMEND ITS</b> | <b>§</b> |                                  |
| <b>CERTIFICATE OF CONVENIENCE</b>   | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>AND NECESSITY IN MEDINA</b>      | <b>§</b> |                                  |
| <b>COUNTY</b>                       | <b>§</b> |                                  |

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

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer certificate of convenience and necessity (CCN) number 21070 in Medina County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237. Forest Glen supplemented the application on December 19, 2022, February 16, 2023, March 2, 2023 and March 3, 2023.

On January 18, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and sufficiency of notice, along with a proposed procedural schedule by March 17, 2023. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Jaspinder Singh, Infrastructure Division and Fred Bednarski III, 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 Forest Glen 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 Mr. Singh. Along with each individual notice, Staff recommends that Forest Glen provide an accurate map delineating the requested service area. Staff further recommends that Forest Glen publish notice of the application for two consecutive weeks in a newspaper of general circulation in Medina County.

Once notice has been provided, Staff recommends that Forest Glen 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. Forest Glen should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Forest Glen use the attached notices and affidavits to meet these requirements.

## **III. PROCEDURAL SCHEDULE**

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

| <b>Event</b>  | <b>Date</b>                    |
|---|--------------------------------|
| Deadline for Forest Glen 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 | April 28, 2023                 |
| Deadline for Staff to file a recommendation on sufficiency of notice  | May 8, 2023                    |
| Deadline to intervene   | 30 days after notice is issued |

#### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the supplemented application be found administratively complete, that Forest Glen be directed to provide notice as described in Mr. Singh's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: March 16, 2023

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Interim Division Director

/s/ Marisa Lopez Wagley  
Marisa Lopez Wagley  
State Bar No. 00788597  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7216  
(512) 936-7268 (facsimile)  
marisa.wagley@puc.texas.gov

**DOCKET NO. 54488**

**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 March 16, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Marisa Lopez Wagley  
Marisa Lopez Wagley

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Marisa Wagley, Attorney  
Legal Division

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

**DATE:** March 17, 2023

**RE:** Docket No. 54488 – *Application of Forest Glen Utility Company to Amend Its Certificate of Convenience and Necessity in Medina County*

---

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 in Medina 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 digital mapping data submitted with Item 6 on February 16, 2023 and the revised maps submitted with Item 9 on March 3, 2023 are sufficient.

*Requested Area 1 – Medina Estates, Megan’s Landing, and Microsoft Subdivisions:*

- The requested area includes 0 customer connections and approximately 496.5 acres, comprised of uncertificated area.

*Requested Area 2 – Potranco West Subdivision:*

- The requested area includes 0 customer connections and approximately 41.3 acres, comprised of uncertificated area.

*Requested Area 3 – Potranco Oaks 2 Subdivision:*

- The requested area includes 0 customer connections and approximately 218.8 acres, comprised of uncertificated area.

*Requested Area 4 – Stinson Property Subdivision:*

- The requested area includes 0 customer connections and approximately 293.7 acres, comprised of uncertificated area.

The *total requested area* includes 0 customer connections and includes approximately 1,050.3 acres comprised of uncertificated area.

The application proposes the addition of approximately 1,050.3 acres to CCN No. 21070.

Based on the mapping review and my technical and managerial review of the additional information filed by Forest Glen on February 16, 2023, I recommend that the application be deemed administratively complete. I further recommend that Forest Glen 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:
    - *Canyon Regional Water Authority*
    - *City of Castroville (CCN No. 20080)*
    - *City of La Coste (CCN No. 20401)*
    - *San Antonio River Authority*
    - *San Antonio Water System (CCN No. 20285)*
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - *Medina County Judge*
  - c. Each groundwater conservation district that is wholly or partially included in the requested area:
    - *Edwards Aquifer Authority*
    - *Medina County 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, Forest Glen 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 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.

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 Forest Glen. Forest Glen will have 20 days from the receipt of the RFI to respond.



# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Marisa Wagley  
Legal Division

**FROM:** David Lopez  
Fred Bednarski  
Rate Regulation Division

**DATE:** March 17, 2023

**RE:** Docket No. 54488 – *Application of Forest Glen Utility Company to Amend its Certificate of Convenience and Necessity in Medina County*

---

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 in Medina County under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers and supplemental information provided to questions 28, 29, 30, and 31 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 for Publication***

**NOTICE OF APPLICATION OF FOREST GLEN UTILITY COMPANY TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY  
SERVICE IN MEDINA COUNTY, TEXAS**

Forest Glen Utility Company has filed an application with the Public Utility Commission of Texas to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 for the provision of retail sewer utility service in Medina County, Texas.

**Requested Area 1 – Medina Estates, Megan’s Landing, and Microsoft Data Center:**

The **requested area** includes 0 customer connections, is located approximately 4.6 miles north of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957; on the east by the intersection of Farm to Market 1957 and Stone Loop; on the south by County Road 472; and on the west by Farm to Market 471.

The **requested area 1** includes approximately 496.5 acres, comprised of uncertificated area.

**Requested Area 2 – Potranco West Subdivision:**

The requested area includes 0 customer connections, is located approximately 5.7 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957; on the east by Sittre Drive; on the south by Renee Creek; and on the west by the intersection of Farm to Market 1957 and Stone Loop.

The **requested area 2** includes approximately 41.3 acres, comprised of uncertificated area.

**Requested Area 3 – Potranco Oaks 2 Subdivision:**

The requested area includes 0 customer connections, is located approximately 5.4 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957 and Potranco Road; on the east by the intersection of Farm to Market 1957 and County Road 388; on the south by Big Bend Path; and on the west by Barden Parkway.

The **requested area 3** includes approximately 218.8 acres, comprised of uncertificated area.

**Requested Area 4 – Stinson Property Subdivision:**

The requested area includes 0 customer connections, is located approximately 4.1 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Big Bend Path; on the east by county line of Medina and Bexar counties; on the south by a parallel line east of the intersection of Farm to Market 471 and County Road 473; and on the west by Farm to Market 471.

The **requested area 4** includes approximately 293.7 acres, comprised of uncertificated area.

The **total requested area** includes 0 customer connections and includes approximately **1,050.3 acres**, comprised of uncertificated area.

The application proposes the addition of approximately 1,050.3 acres to CCN No. 21070.

**A copy of the maps showing the requested area are available at:**

503 E Ramsey Rd, Suite 201, San Antonio, TX 78216

*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.

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.

**Notice to Neighboring Systems, Landowners, Customers, and Cities**  
NOTICE OF APPLICATION OF FOREST GLEN UTILITY COMPANY TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY  
SERVICE IN MEDINA COUNTY, TEXAS

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

Forest Glen Utility Company has filed an application with the Public Utility Commission of Texas to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 for the provision of retail sewer utility service in Medina County, Texas.

**Requested Area 1 – Medina Estates, Megan’s Landing, and Microsoft Data Center:**

The **requested area** includes 0 customer connections, is located approximately 4.6 miles north of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957; on the east by the intersection of Farm to Market 1957 and Stone Loop; on the south by County Road 472; and on the west by Farm to Market 471.

The **requested area 1** includes approximately 496.5 acres, comprised of uncertificated area.

**Requested Area 2 – Potranco West Subdivision:**

The requested area includes 0 customer connections, is located approximately 5.7 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957; on the east by Sittre Drive; on the south by Renee Creek; and on the west by the intersection of Farm to Market 1957 and Stone Loop.

The **requested area 2** includes approximately 41.3 acres, comprised of uncertificated area.

**Requested Area 3 – Potranco Oaks 2 Subdivision:**

The requested area includes 0 customer connections, is located approximately 5.4 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957 and Potranco Road; on the east by the intersection of Farm to Market 1957 and County Road 388; on the south by Big Bend Path; and on the west by Barden Parkway.

The **requested area 3** includes approximately 218.8 acres, comprised of uncertificated area.

**Requested Area 4 – Stinson Property Subdivision:**

The requested area includes 0 customer connections, is located approximately 4.1 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Big Bend Path; on the east by county line of Medina and Bexar counties; on the south by a parallel line east of the intersection of Farm to Market 471 and County Road 473; and on the west by Farm to Market 471.

The **requested area 4** includes approximately 293.7 acres, comprised of uncertificated area.

The **total requested area** includes 0 customer connections and includes approximately **1,050.3 acres**, comprised of uncertificated area.

The application proposes the addition of approximately 1,050.3 acres to CCN No. 21070.

**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.*

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.

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 54488

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities, landowners 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. 54488

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 \_\_\_\_\_