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Item Number - 29

DOCKET NO. 54488

APPLICATION OF FOREST GLEN	§	BEFORE THE
UTILITY COMPANY TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	PUBLIC UTILITY COMISSION
AND NECESSITY IN MEDINA	§	
COUNTY, TEXAS	§	OF TEXAS

RESPONSE TO ORDER NO. 8

COMES NOW Forest Glen Utility Company (Applicant or Forest Glen) and files this Response to Order No. 8 Finding Published Notice, as Supplemented, Sufficient, Granting Good Cause Waiver, and Finding Notice to Landowners, Neighboring Utilities, and Affected Parties Remains Deficient. In support thereof, Applicant would show the following:

I. BACKGROUND

On December 16, 2022, Forest Glen filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 21070 in Medina County. On June 27, 2023, staff of the Public Utility Commission of Texas (Commission Staff) filed a recommendation on the sufficiency of notice alleging that Applicant published newspaper notice utilizing the wrong maps. The Commission Administrative Law Judge (ALJ) issued Order No. 6 finding notice deficient and establishing a deadline of July 28, 2023 to cure the deficiency. On July 27, 2023, Applicant filed an unopposed request for extension because the newspaper of general circulation in Medina County, the Hondo Anvil Herald, failed to run the second week's publication of its notice in accordance with title 16 Tex. Admin. Code (TAC) § 24.235(c). The Commission ALJ issued Order No. 7 on July 31, 2023 establishing a deadline to cure notice deficiencies of August 28, 2023. Thereafter, after Applicant refiled proof of re-published notice in the Hondo Anvil Herald, the ALJ issued Order No. 8 finding the second publication sufficient, but finding that mailed notice to landowners, neighboring utilities and affected parties remained deficient. Order No. 8 established a new deadline of September 22, 2023 to address the mailed notice.

II. RE-MAILED NOTICE


Just as Applicant republished notice of the CCN with the administratively complete maps on August 3 and 10, 2023, it also mailed a second notice to landowners of 25 or more acres, neighboring utilities and affected parties on September 19, 2023. Proof of the second mailed notice is attached hereto as Exhibit A. There are no customers in the proposed amended area and all landowners of 25 acres are aware of the pending amendment because they have requested service from Applicant.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Forest Glen respectfully prays that the Commission ALJ issue an Order finding notice sufficient, and for all other relief to which it is entitled.

Respectfully submitted,

Randall B. Wilburn
State Bar No. 24033342
Helen S. Gilbert
State Bar No. 00786263
BARTON BENSON JONES PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (210) 640-9174
Telecopier: (210) 600-9796
hgilbert@bartonbensonjones.com

By: 

Helen S. Gilbert

**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 4th of October 2023.

Helen S. Gilbert

EXHIBIT A

Docket No. 54488

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: Sept 19, 2023
(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.

EXHIBIT A

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

See enclosed maps showing the requested area.

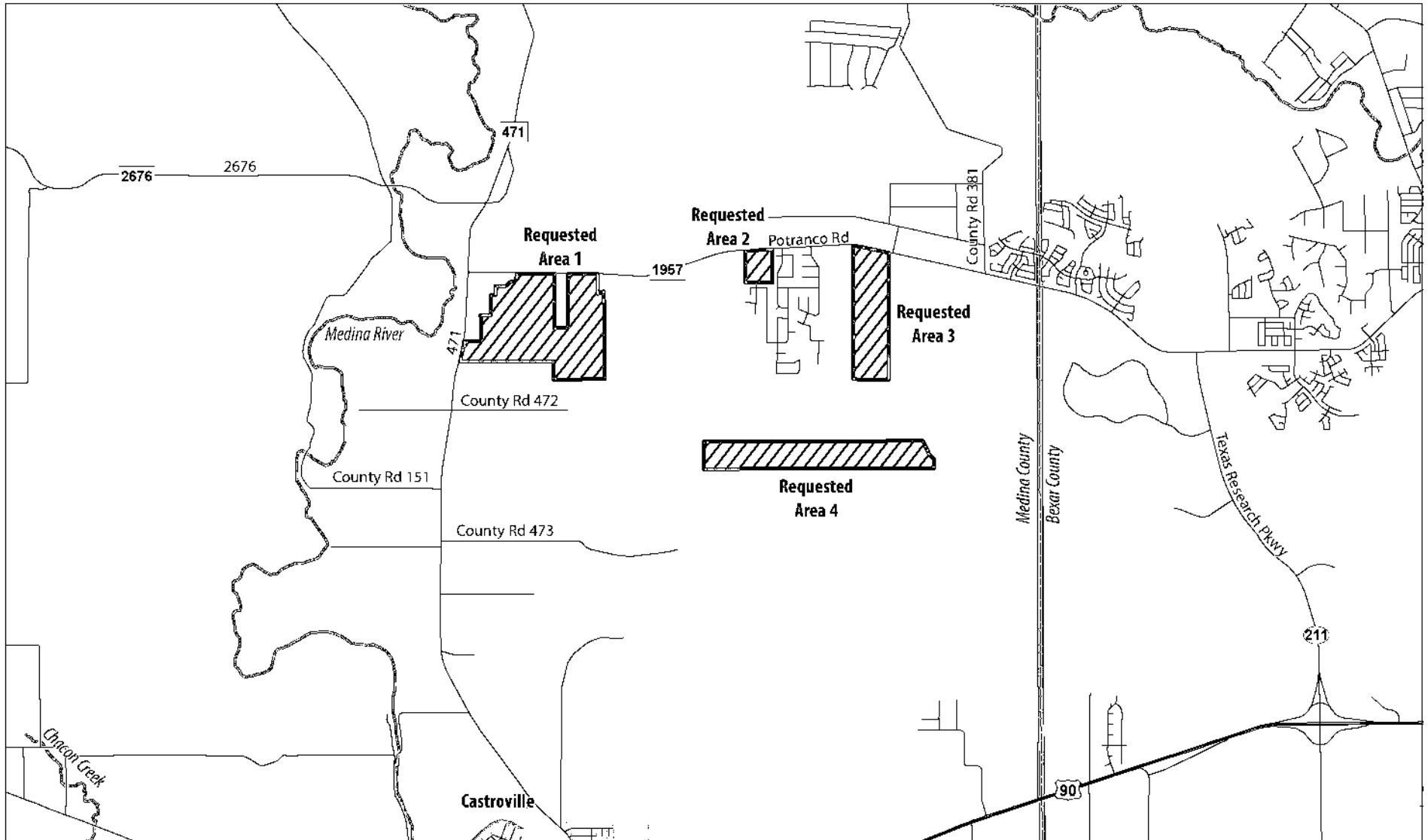
Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (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.

EXHIBIT A

Forest Glen Utility Company (CCN No. 21070) to Amend CCN No. 21070 in Medina County Revised General Location Map






FOREST GLEN
UTILITY COMPANY
P.O. Box 701201
SAN ANTONIO, TX 78270
(210) 209-8029

0 3,625 7,250
Feet



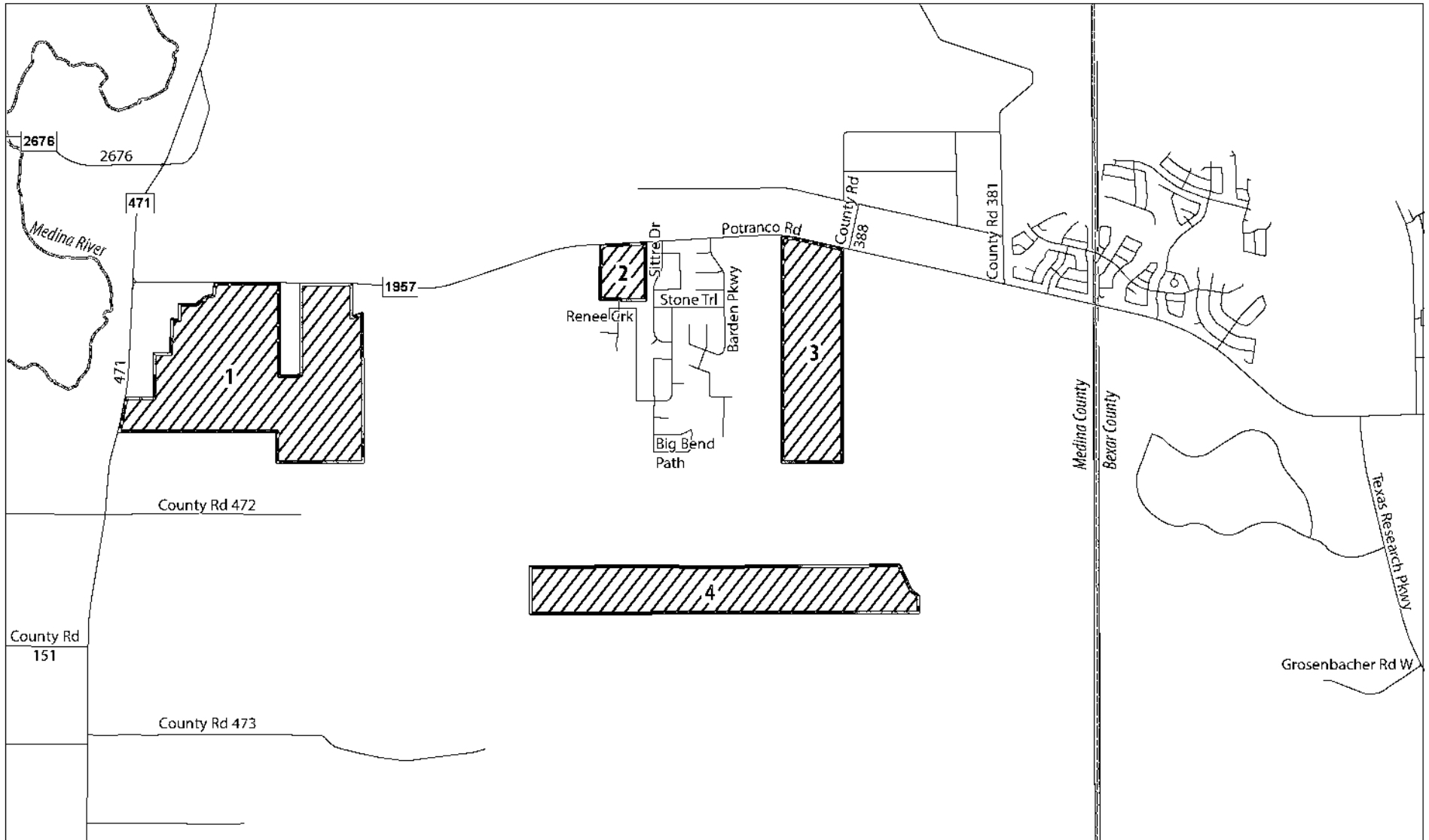
Legend

-  Requested Areas to Amend (Add)
-  City Limits
-  County Boundaries

Updated: 3/1/2023

EXHIBIT A

Forest Glen Utility Company (CCN No. 21070) to Amend CCN No. 21070 in Medina County Revised Detailed Map



FOREST GLEN
UTILITY COMPANY
P.O. Box 701201
SAN ANTONIO, TX 78270
(210) 209-8029

0 2,150 4,300
Feet



Legend



Requested Areas to Amend (Add) 1-4



County Boundaries

Updated: 3/1/2023

EXHIBIT A

DOCKET No. 54488 NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS, CUSTOMERS AND CITIES						
DATE MAILED	OWNER	MAILING ADDRESS LN 1	MAILING ADDRESS LN 2	CITY	STATE	ZIP
9/19/2023	STEINLE RUTH		PO BOX 34177	FORT WORTH	TX	76162
9/19/2023	HLH DEVELOPMENT LLC		13438 BANDERA RD STE. 104	HELOTES	TX	78023
9/19/2023	STINSON LYNDA RAHE		3345 FM 471 N	CASTROVILLE	TX	78009
DUPLICATE	STINSON LYNDA RAHE		3345 FM 471 N	CASTROVILLE	TX	78009
DUPLICATE	STEINLE RUTH		PO BOX 34177	FORT WORTH	TX	76162
DUPLICATE	STEINLE RUTH		PO BOX 34177	FORT WORTH	TX	76162
9/19/2023	MEDINA COUNTY PUBLIC IMPROVEMENT DISTRICT #1 POTRANCO RANCH PID		13438 BANDERA RD #104	HELOTES	TX	78023
9/19/2023	MICROSOFT CORPORATION	LEGAL & CORPORATE AFFAIRS	ONE MICROSOFT WAY	REDMOND	WA	98052
9/19/2023	CANYON REGIONAL WATER AUTHORITY		850 LAKESIDE PASS	NEW BRAUNFELS	TX	78130
9/19/2023	CITY OF CASTROVILLE		1209 FIORELLA STREET	CASTROVILLE	TX	78009
9/19/2023	CITY OF LA COSTE		PO BOX 308	LA COSTE	TX	78039
9/19/2023	SAN ANTONIO RIVER AUTHORITY		PO BOX 839980	SAN ANTONIO	TX	78283-3980
9/19/2023	SAN ANTONIO WATER SYSTEM		2800 US HIGHWAY 281 N	SAN ANTONIO	TX	78212-3106
9/19/2023	MEDINA COUNTY JUDGE		1300 AVENUE M ROOM 250	HONDO	TX	78861
9/19/2023	EDWARDS AQUIFER AUTHORITY		900 E QUINCEY ST	SAN ANTONIO	TX	78215-1400
9/19/2023	MEDINA COUNTY GROUNDWATER CONSERVATION DISTRICT		1607 AVENUE K	HONDO	TX	78861-1838
9/19/2023	OFFICE OF PUBLIC UTILITY COUNSEL	and via email	P.O. BOX 12397	AUSTIN	TX	78711-2397

EXHIBIT A

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 Bexar

_____ has provided individual
notice to the following entities, landowners and customers:

Please reference attached mailing list

DATE OF NOTICE
9/19/23

OATH

I, Mia Natalino, being duly sworn, file this form as
General Manager (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.

Mia Natalino
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 20th day of September, 2023
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

LORI ADAMS-MORENO
Print or Type Name of Notary Public

Commission Expires May 20, 2027

