



Filing Receipt

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Control Number - 54752

Item Number - 22

DOCKET NO. 54752

APPLICATION OF CSWR-TEXAS	§	
UTILITY OPERATING COMPANY, LLC	§	
AND RBTQ, INC. DBA SOUTHWEST	§	
GARDENS WATER FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	PUBLIC UTILITY COMMISSION
RIGHTS AND FOR DECERTIFICATION	§	
OF ALL OF DON HAYS DBA	§	OF TEXAS
SOUTHWEST WATER COMPANY (DON	§	
HAYS) CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
LUBBOCK COUNTY	§	

**CSWR-TEXAS UTILITY OPERATING COMPANY, LLC'S
PROOF OF NOTICE**

CSWR-Texas Utility Operating Company, LLC (“CSWR-Texas” or the “Company”) submits Proof of Notice in response to Order No. 5, which was issued in this proceeding on June 30, 2023. Order No. 5 directs CSWR-Texas to submit this Proof of Notice by July 28, 2023; accordingly, this pleading is timely filed.

I. PROOF OF MAILING AND PUBLICATION NOTICE

Attached to this pleading as Exhibit A is an Affidavit of Notice to Current Customers, Neighboring Utilities and Affected Parties and a copy of the notice provided to all entities and persons, including the maps that were attached to the notice. Also attached is Highly Sensitive Exhibit B, which is a list of all recipients to whom notice was provided, including those entities Staff specifically requested CSWR-Texas notify. Highly Sensitive Exhibit B contains Highly Sensitive Protected Materials as defined in the Protective Order, including customer-specific information. The notice to customers, neighboring utilities, and affected parties was mailed, via first class mail, on July 12, 2023. Also, attached as Exhibit C is the Publisher’s Affidavit and tear

sheets attesting to the completion of public notice. Notice was published in Lubbock County on July 14, 2023 and July 23, 2023.

II. PROOF OF LANDOWNER NOTICE


Attached as Exhibit D is an Affidavit of Notice to Landowners and a copy of notice and maps provided to landowners owning tracts of land wholly or partly inside the requested service area and maps of tracts of land wholly or partly inside the requested service area 25 acres or more. Notice was mailed, via first-class mail, on July 13, 2023. Also attached is Highly Sensitive Exhibit E, which is a list of all landowners to whom notice was provided. Highly Sensitive Exhibit E contains Highly Sensitive Protected Materials as defined in the Protective Order, including customer-specific information.

III. CONCLUSION

The notices and proofs of notice are provided in the form and manner described by Ms. Garcia's memorandum attached to Commission Staff's recommendation issued on June 29, 2023.

Respectfully submitted,

L. Russell Mitten
General Counsel
Central States Water Resources, Inc.
1630 Des Peres Rd., Suite 140
Des Peres, MO 63131
(314) 380-8595
(314) 763-4743 (Fax)



Evan D. Johnson
State Bar No. 24065498
Sidne E. Finke
State Bar No. 24131870
Coffin Renner LLP
1011 W. 31st Street
Austin, Texas 78705
(512) 879-0900
(512) 879-0912 (fax)
evan.johnson@crtxlaw.com
sidne.finke@crtxlaw.com

**ATTORNEYS FOR CSWR-TEXAS
UTILITY OPERATING COMPANY, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July 2023, notice of the filing of this document was provided to all parties of record via electronic mail in accordance with the Second Order Suspending Rules, issued in Project No. 50664.



Sidne E. Finke

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 54752

STATE OF MISSOURI
COUNTY OF ST. LOUIS

CSWR-Texas Utility Operating Company, LLC has provided individual notice to the following entities and customers:

	DATE OF NOTICE
<u>Neighboring Utilities</u>	<u>7/12/23</u>
<u>Affected Parties</u>	<u>7/12/23</u>
<u>Current Customers</u>	<u>7/12/23</u>

OATH

I, Aaron Silas, being duly sworn, file this form as Director of Regulatory Operations (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.

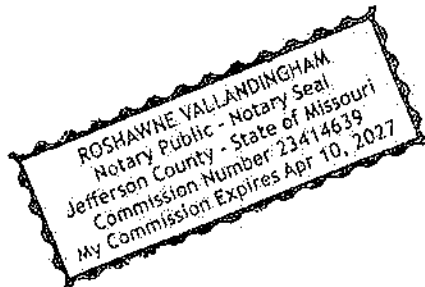
[Signature]
Applicant(s) Authorized Representative

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 13th day of July, 2023, to certify which witness my hand and seal of office.

Roshawne Vallandingham
Notary Public in and for the State of ~~Texas~~ MISSOURI (M)

Roshawne Vallandingham
Print or Type Name of Notary Public



Commission Expires April 10, 2027



1630 Des Peres RD, Suite 140
St. Louis, MO 63131

CWC0706A *** 3000000001 1/1



Docket No. 54752

Notice to Current Customers, Neighboring Systems, and Cities

CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13290, NOTICE OF INTENT TO AMEND UNCERTIFICATED AREA TO THEIR CCN, DECERTIFY ALL OF DON HAYS DBA SOUTHWEST WATER COMPANY UNDER CCN NO. 12735, PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12891 FROM RBTQ, INC. DBA SOUTHWEST WATER COMPANY IN LUBBOCK COUNTY,

To: _____ Date Notice Mailed: 7/12/2023
(Name of Customer, Neighboring System, or City)

(Address)

(City State)

CSWR-Texas Utility Operating Company, LLC 1630 Des Peres Rd, Suite 140
(Purchaser's Name) (Address)

St. Louis, MO 63131
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to water CCN No. 13290, decertify all of Don Hays dba Southwest Water Company (Don Hays) under CCN No. 12735, purchase water facilities and to transfer water service area under CCN No. 12891 from RBTQ, Inc. dba Southwest Water Company (RBTQ, Inc.) in Lubbock County, TX from:

RBTQ, Inc. 4601 66th St. Suite B Lubbock, TX 79414
(Seller's Name) (Address) (City), (State) (Zip Code)

The requested area overlaps the district boundaries of Brazos River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to CSWR-Texas Utility Operating Company, LLC's request to provide retail water utility service in the requested area.

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:
Southwest Gardens and South Frankford Terrace.

The requested area includes 130 customer connections, is located approximately 5.2 mile(s) southeast of downtown Wolfforth, Texas, and is generally bounded on the north by County Road 7500; on the east by County Road 1840; on the south by County Road 7540; and on the west by Frankford Avenue.

The current CCN's for RBTQ, Inc. (CCN No. 12891) and Don Hays (CCN No. 12735) have the same CCN boundary, including 34 acres that are currently dually certificated.

The requested area is comprised of the following:

- 34 acres of transferred area from RBTQ, Inc. (CCN No. 12891) to CSWR-Texas (CCN No. 13290);
- 12.7 acres of uncertificated area to amend (add) to CSWR-Texas (CCN No. 13290); and
- 34 acres of decertified area from Don Hays (CCN No. 12735).

The requested area includes approximately 46.7 total acres.

The application proposes the subtraction of approximately 34 acres from CCN No. 12891.
The application proposes the subtraction of approximately 34 acres from CCN No. 12735.
The application proposes the addition of approximately 46.7 acres to CCN No. 13290.
46.7 acres will have single certification for CSWR-Texas (CCN No. 13290).

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.

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.

Aaron Sias
Utility Representative

CSWR-Texas
Utility Name



SCALE 1" = 400'

Transfer RBTQ, Inc. DBA Southwest Gardens Water (CCN No. 12891) to CSWR-Texas Utility Operating Company, LLC (CCN No. 13290), Decertify Don Hays DBA Southwest Water Company (CCN No. 12735), and Amend CCN No. 13290 in Lubbock County

Detailed Map



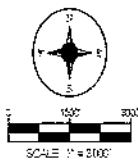
LEGEND

- Requested Area to Transfer CCN No. 12891 to CCN No. 13290
- Requested Area to Decertify CCN No. 12735
- Requested Area to Amend (Add) to CCN No. 13290

SHEET 1	
DATE:	04/19/20
DRAWN BY:	SAF/PLS
SCALE:	1" = 400'
DIST. NAME:	
CONVD BY:	

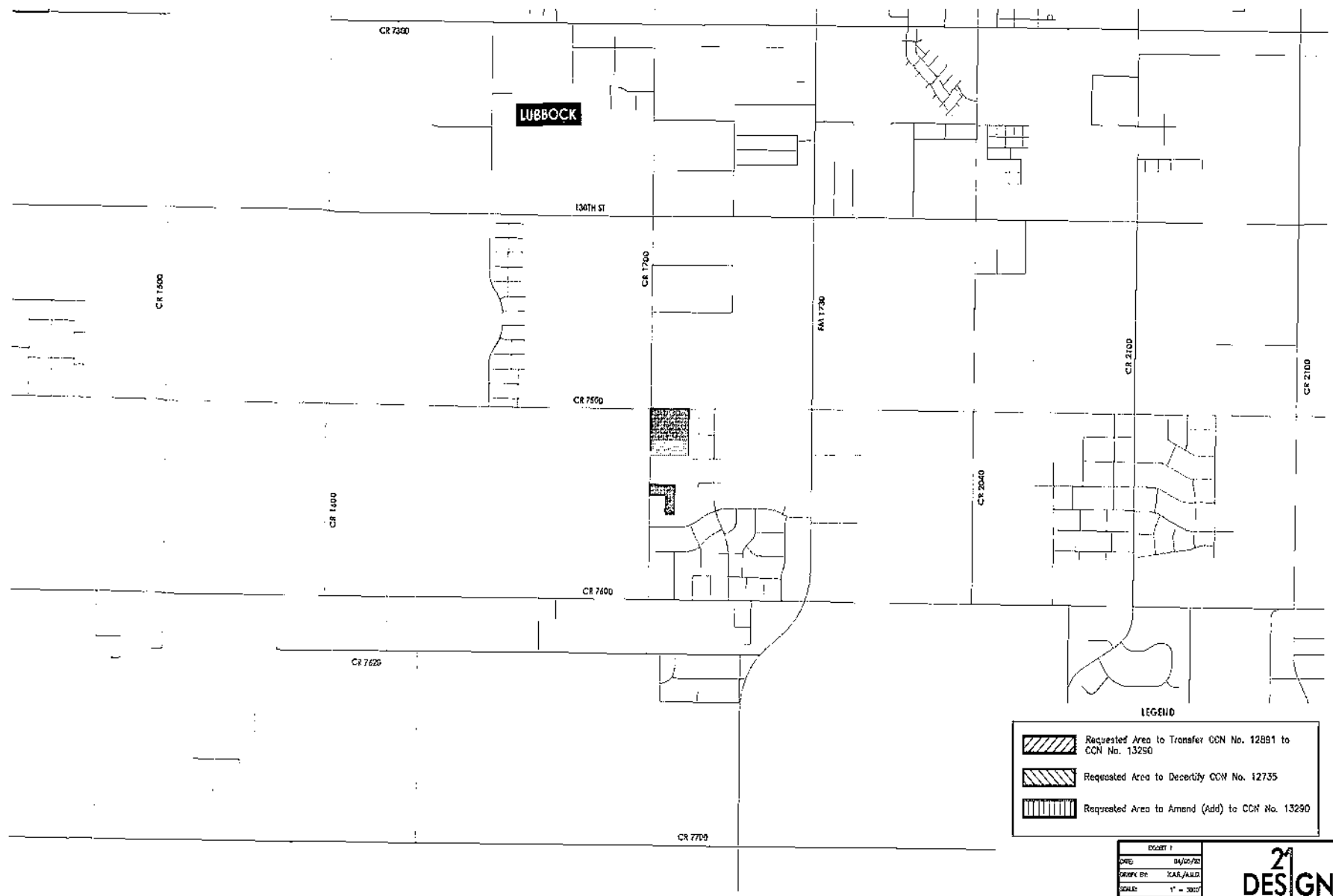
21
DESIGN
GROUP INC.

1001 W. 10th Street, Suite 200
Lubbock, TX 79409
806.741.2000



Transfer RBTQ, Inc. DBA Southwest Gardens Water (CCN No. 12891) to CSWR-Texas Utility Operating Company, LLC (CCN No. 13290), Decertify Don Hays DBA Southwest Water Company (CCN No. 12735), and Amend CCN No. 13290 in Lubbock County

General Location Map



LEGEND




-  Requested Area to Transfer CCN No. 12891 to CCN No. 13290
-  Requested Area to Decertify CCN No. 12735
-  Requested Area to Amend (Add) to CCN No. 13290

EXHIBIT 1	
DATE	04/05/20
DESIGN BY	KAR/JLD
SCALE	1" = 3000'
SHEET NAME	
GENERAL LOCATION MAP	

2nd
DESIGN GROUP INC.

1101 American South Blvd
Wichita, KS 67202
Tel: 316-261-0000

**Exhibit B is Highly
Sensitive and will be
provided pursuant to the
Protective Order**

LOCALIQ

Austin American-Statesman
Amarillo Globe-News
Lubbock Avalanche-Journal

PO Box 631667 Cincinnati, OH 45263-1667

PROOF OF PUBLICATION

Eric Rocchio
CSWR-Texas Utility Operating Company, LLC
1630 Des Peres RD
Suite 140
Des Peres MO 63131-1504

STATE OF WISCONSIN, COUNTY OF BROWN

The Avalanche-Journal, a daily newspaper of general circulation in the counties of: Cochran, Crosby, Dawson, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Terry and Yoakum, Texas; printed and published in Lubbock County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

07/14/2023, 07/21/2023

Sworn to and subscribed before on 07/21/2023

Mitch Vellin
Legal Clerk
Kaitlyn Felty
Notary, State of WI, County of Brown
3/17/27

My commission expires

Publication Cost: \$1790.00
Order No: 9035927 # of Copies:
Customer No: 894553 -1
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Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

Notice for Publication

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CSWR-Texas Utility Operating Company, LLC

1630 Des Peres Rd, Suite 140
(Purchaser's Name) (Address)
St. Louis, MO 63131
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to water CCN No. 13290, decertify all of Don Hays dba Southwest Water Company (Don Hays) under CCN No. 12735, purchase water facilities and to transfer water service area under CCN No. 12891 from RBTQ, Inc. dba Southwest Water Company (RBTQ, Inc.) in Lubbock County, TX from:

RBTQ, Inc. 4601 66th St. Suite B Lubbock, TX 79414
(Seller's Name) (Address) (City), (State) (Zip Code)

The requested area overlaps the district boundaries of Brazos River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to CSWR-Texas Utility Operating Company, LLC's request to provide retail water utility service in the requested area.

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:

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46.7 acres will have single certification for CSWR-Texas (CCN No. 13290).

See enclosed maps showing the requested area.

This transaction will not have an effect on the current customer's rates and services.

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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.

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Public Notices

Originally published at lubbockonline.com on 07/14/2023

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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 LANDOWNERS DOCKET NO. 54752

STATE OF MISSOURI
COUNTY OF ST. LOUIS

CSWR-Texas Utility Operating Company has

- Determined that there are no landowners owning tracts of land wholly or partly inside the requested CCN area.
- Provided individual notice to the following landowners owning tracts of land wholly or partly inside the requested CCN area:

STARLIGHT DEVELOPMENT LLC
MC CALLON FAMILY TRST

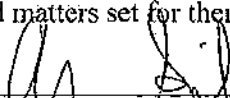
DATE OF NOTICE

7/13/23

7/13/23

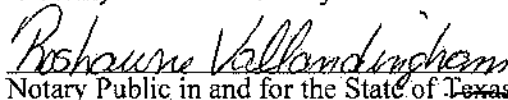
OATH

I, Aaron Silas, being duly sworn, file this form as Director of Regulatory Operations (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

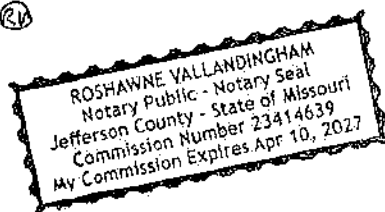
If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 13th day of July, 2023, to certify which witness my hand and seal of office.


Notary Public in and for the State of ~~Texas~~ MISSOURI ®

Rosshawne Vallandingham
Print or Type Name of Notary Public

Commission Expires April 10, 2027



Docket No. 54752

Notice to Landowners

CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13290, NOTICE OF INTENT TO AMEND UNCERTIFICATED AREA TO THEIR CCN, DECERTIFY ALL OF DON HAYS DBA SOUTHWEST WATER COMPANY UNDER CCN NO. 12735, PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12891 FROM RBTQ, INC. DBA SOUTHWEST WATER COMPANY IN LUBBOCK COUNTY, TEXAS

To: _____ Date Notice Mailed: 7/13/2023
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

CSWR-Texas Utility Operating Company, LLC 1630 Des Peres Rd, Suite 140
(Purchaser's Name) (Address)
St. Louis, MO 63131
(City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to water CCN No. 13290, decertify all of Don Hays dba Southwest Water Company (Don Hays) under CCN No. 12735, purchase water facilities and to transfer water service area under CCN No. 12891 from RBTQ, Inc. dba Southwest Water Company (RBTQ, Inc.) in Lubbock County, TX from:

RBTQ, Inc. 4601 66th St. Suite B Lubbock, TX 79414
(Seller's Name) (Address) (City), (State) (Zip Code)

The requested area overlaps the district boundaries of Brazos River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to CSWR-Texas Utility Operating Company, LLC's request to provide retail water utility service in the requested area.

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:
Southwest Gardens and South Frankford Terrace.

The requested area includes 130 customer connections, is located approximately 5.2 mile(s) southeast of downtown Wolfforth, Texas, and is generally bounded on the north by County Road 7500; on the east by County Road 1840; on the south by County Road 7540; and on the west by Frankford Avenue.

The current CCN's for RBTQ, Inc. (CCN No. 12891) and Don Hays (CCN No. 12735) have the same CCN boundary, including 34 acres that are currently dually certificated.

The requested area is comprised of the following:

34 acres of transferred area from RBTQ, Inc. (CCN No. 12891) to CSWR-Texas (CCN No. 13290);

12.7 acres of uncertificated area to amend (add) to CSWR-Texas (CCN No. 13290); and

34 acres of decertified area from Don Hays (CCN No. 12735).

The requested area includes approximately 46.7 total acres.

The application proposes the subtraction of approximately 34 acres from CCN No. 12891.

The application proposes the subtraction of approximately 34 acres from CCN No. 12735.

The application proposes the addition of approximately 46.7 acres to CCN No. 13290.

46.7 acres will have single certification for CSWR-Texas (CCN No. 13290).

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.

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.

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.

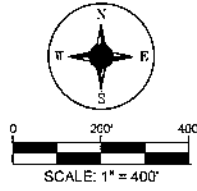
Persons who wish to request this option should file the required documents with the:

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.

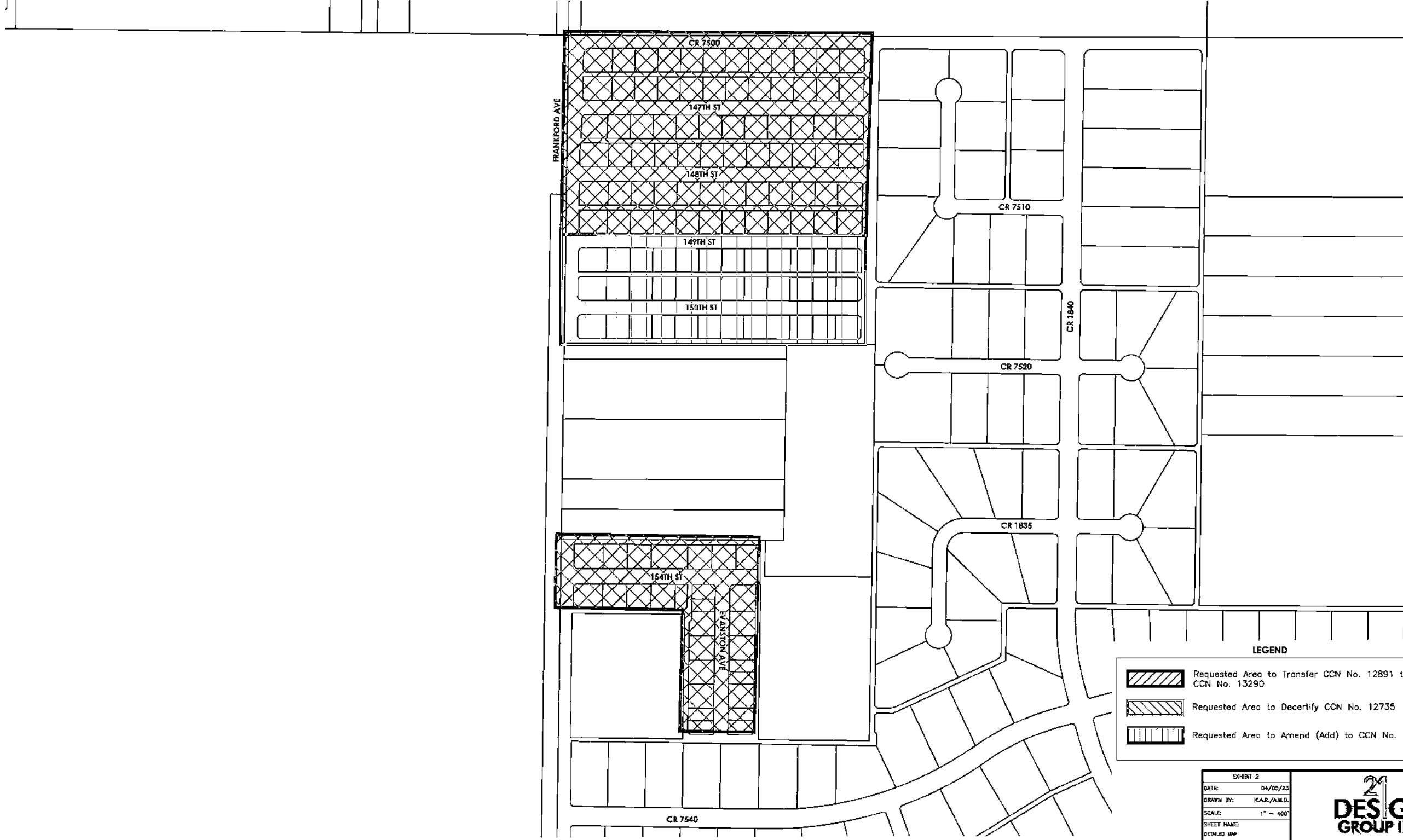
Si desea información en español, puede llamar al 1-888-782-8477.

Aaron Silas
Utility Representative
CSWR-Texas
Utility Name






Transfer RBTQ, Inc. DBA Southwest Gardens Water (CCN No. 12891) to CSWR-Texas Utility Operating Company, LLC (CCN No. 13290), Decertify Don Hays DBA Southwest Water Company (CCN No. 12735), and Amend CCN No. 13290 in Lubbock County

Detailed Map

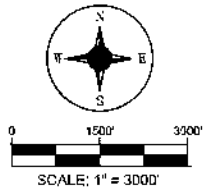


LEGEND

-  Requested Area to Transfer CCN No. 12891 to CCN No. 13290
-  Requested Area to Decertify CCN No. 12735
-  Requested Area to Amend (Add) to CCN No. 13290

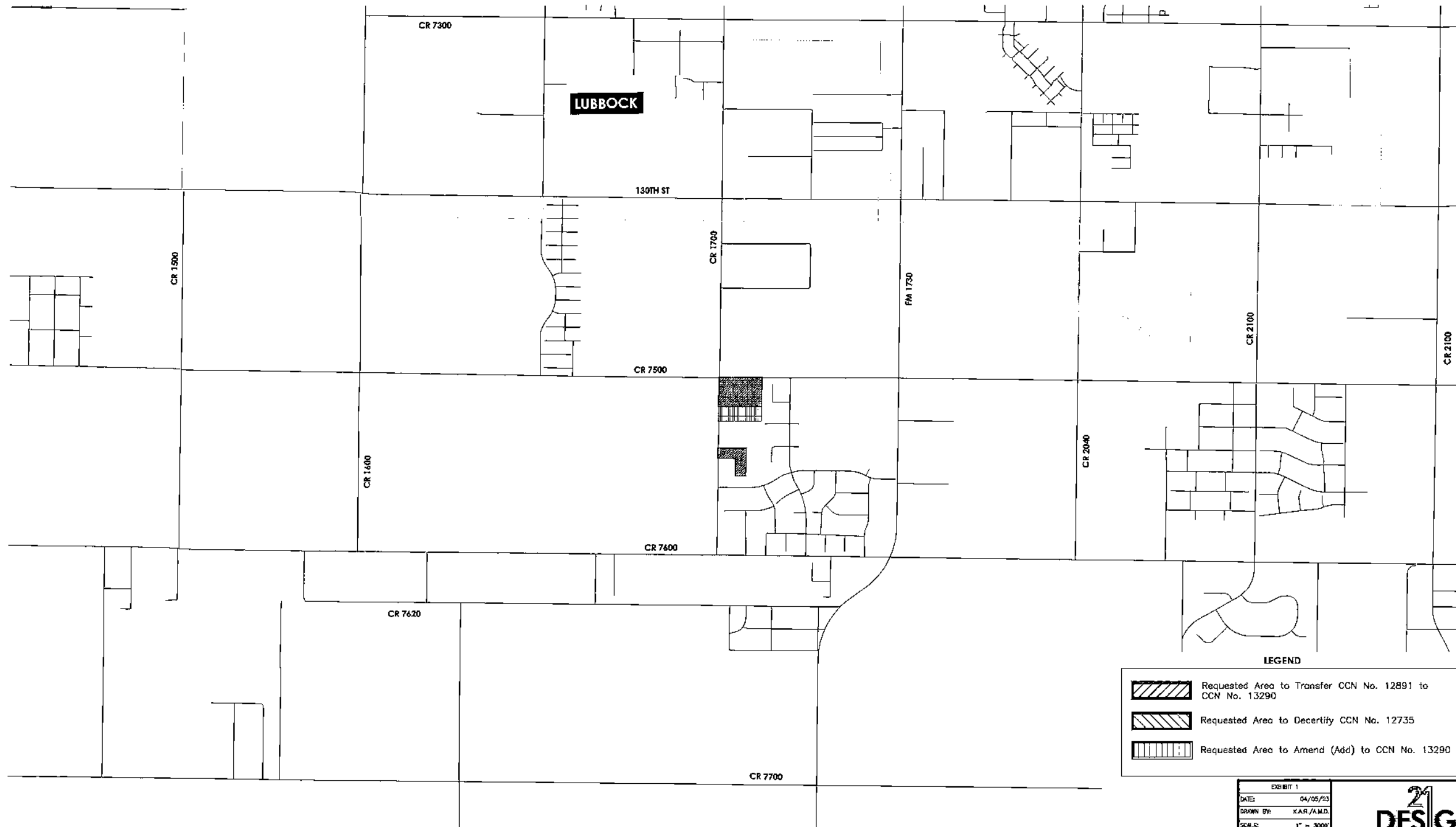
SHEET 2	
DATE:	04/05/23
DRAWN BY:	K.A.R./A.M.D.
SCALE:	1" = 400'
SHEET NAME:	DETAILED MAP

DESIGN GROUP INC.
151 Jefferson Suite 311
Washington MO 63090
mo1821@designgroup.net
P 636 430-5029



Transfer RBTQ, Inc. DBA Southwest Gardens Water (CCN No. 12891) to CSWR-Texas Utility Operating Company, LLC (CCN No. 13290), Decertify Don Hays DBA Southwest Water Company (CCN No. 12735), and Amend CCN No. 13290 in Lubbock County

General Location Map



LEGEND




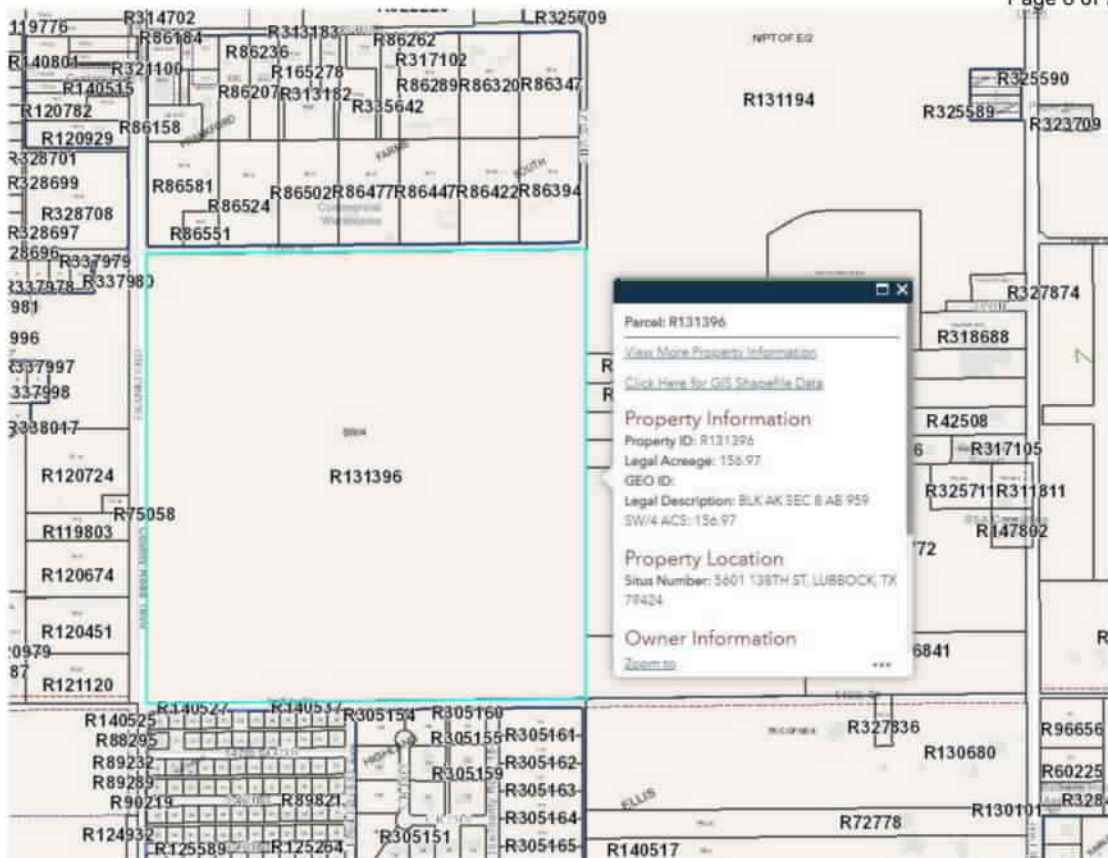
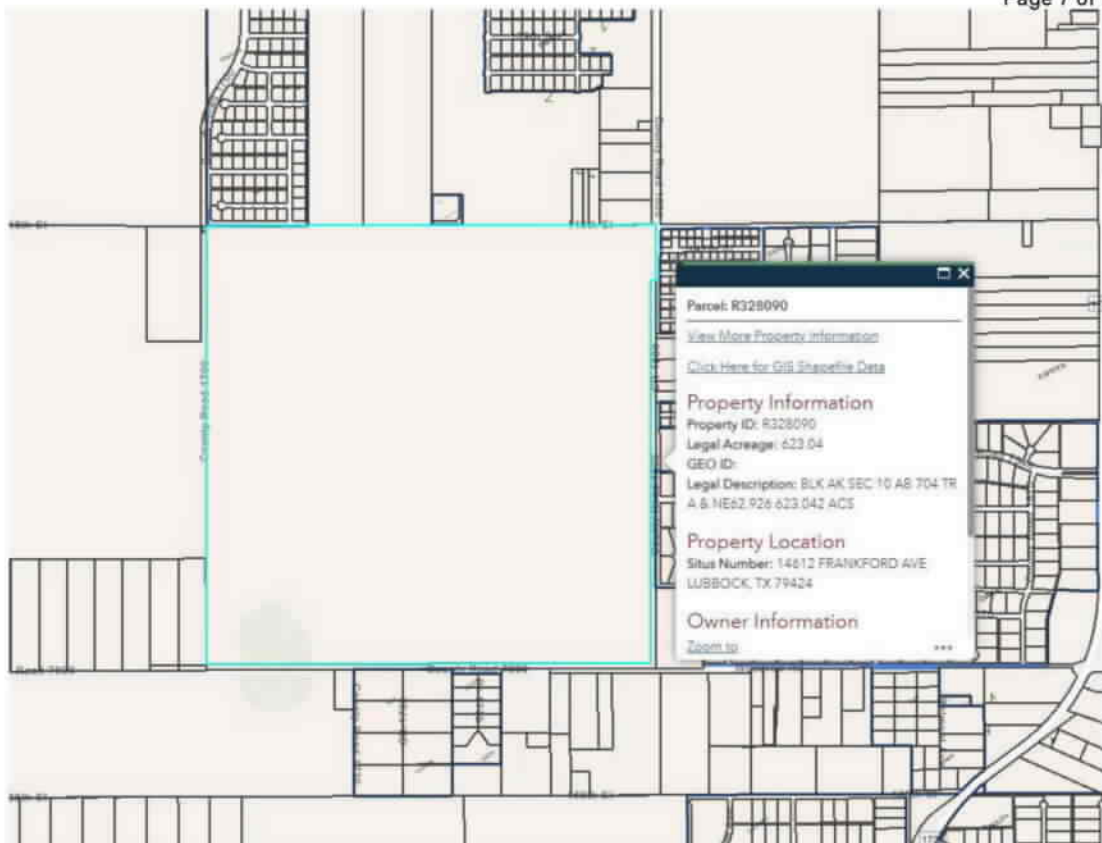
-  Requested Area to Transfer CCN No. 12891 to CCN No. 13290
-  Requested Area to Decertify CCN No. 12735
-  Requested Area to Amend (Add) to CCN No. 13290

EXHIBIT 1	
DATE:	04/05/23
DRAWN BY:	H.A.R./A.M.D.
SCALE:	1" = 3000'
SHEET NAME:	GENERAL LOCATION MAP

DESIGN GROUP INC.

1581 Jefferson, Suite 304
Washington, MD 20780
tel: 410-491-9999
fax: 410-491-9999





**Exhibit E is Highly
Sensitive and will be
provided pursuant to the
Protective Order**