



## **Filing Receipt**

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**Control Number - 54785**

**Item Number - 12**

**DOCKET NO. 54785**

|  |          |                                  |
|--|----------|----------------------------------|
| <b>PETITION OF CASH SPECIAL</b>        | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>UTILITY DISTRICT AND ROYSE CITY</b> | <b>§</b> |                                  |
| <b>FOR APPROVAL OF A SERVICE</b>       | <b>§</b> |                                  |
| <b>AREA CONTRACT UNDER TEXAS</b>       | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>WATER CODE § 13.248 AND TO</b>      | <b>§</b> |                                  |
| <b>AMEND CERTIFICATES OF</b>           | <b>§</b> |                                  |
| <b>CONVENIENCE AND NECESSITY IN</b>    | <b>§</b> |                                  |
| <b>ROCKWELL COUNTY</b>                 | <b>§</b> |                                  |

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

**I. INTRODUCTION**

On March 21, 2023, Cash Special Utility District (Cash SUD) and the City of Royse City (Royse City) (collectively, the Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Rockwall County. Petitioners filed supplemental information on April 13, 2023 and July 20, 2023.

On June 21, 2023, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the petition and notice, and propose a procedural by August 21, 2023. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and as detailed in the attached memorandum of Jaspinder Singh, Infrastructure Division, recommends that the petition be deemed administratively complete and sufficient for further review. This recommendation is not a comment on the merits of the petition.

**III. NOTICE**

Notice in this matter is governed by 16 TAC § 24.253(c). Under this section, two forms of notice may potentially be required. First, if the decision to enter into a contract was discussed at a meeting of a city council, a water supply or sewer service corporation's board, district board, county commissioner's court, or other regulatory authority, a copy of the meeting agenda and

minutes for the meeting during which the item was discussed may be considered sufficient notice under 16 TAC § 24.253(c)(2). In this docket, the Petitioners both submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Petitioners also provided affidavits with the application, signed by Deborah Sorensen, City Secretary for Royse City, and Bill Watkins, Secretary and Treasurer of the Board of Directors of Cash SUD, attesting to the date meeting notice was posted and the date the meeting approving the agreement transpired. As stated in the petition, no customers will be affected by this petition. Accordingly, Staff recommends that individual notice under 16 TAC § 24.253(c)(1) is not required. Therefore, Staff recommends that notice is sufficient.

#### **IV. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for the continued processing of this docket:

| <b>Event</b>  | <b>Date</b>        |
|---|--------------------|
| Deadline for intervention   | September 22, 2023 |
| Deadline for Staff to provide final maps and tariffs to Petitioners (if applicable)                                 | October 31, 2023   |
| Deadline for Petitioners to file signed consent forms with the Commission   | November 14, 2023  |
| If no hearing is requested, deadline for Staff to file a final recommendation on the application                    | November 21, 2023  |
| If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law | November 28, 2023  |

#### **V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that notice be found sufficient, and that the proposed procedural schedule be adopted.

Dated: August 21, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**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 21, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kelsey Daugherty  
Kelsey Daugherty

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kelsey Daugherty, Attorney  
Legal Division

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

**DATE:** August 21, 2023

**RE:** Docket No. 54785 – *Petition of Cash Special Utility District and the City of Royse City for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Rockwall County*

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On March 21, 2023, Cash Special Utility District (Cash SUD) and the City of Royse City (Royse City) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Cash SUD's water Certificate of Convenience and Necessity (CCN) No. 10824 and Royse City's water CCN No. 12827 in Rockwell County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Cash SUD and Royse City entered into a contractual agreement which permits Royse City to provide water services within the agreed upon water certificated service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps, digital mapping data, clarification statement submitted with Item 11 on July 20, 2023 are sufficient.

- The requested area includes 0 customer connections and approximately 130.7 acres, comprised of transferred area from Cash SUD (CCN No. 10824) to City of Royse City (CCN No. 12827).
- The petition proposes the subtraction of approximately 130.7 acres from CCN No. 10824 and the addition of approximately 130.7 acres to CCN No. 12827.

On April 13, 2023, the Petitioners submitted additional documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Cash SUD and Royse City submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Petitioners also provided affidavits attesting to the dates

meeting notice was posted and the dates that the respective meetings approving the agreement transpired.

Based on my technical review of the additional information filed by the Petitioners on April 13, 2023, and July 20, 2023, I recommend that the petition be deemed administratively complete.