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DOCKET NO. 54899

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY,	§	
LLC AND CIRCLE R RANCHETTES	§	OF TEXAS
PROPERTY OWNERS ASSOCIATION	§	
FOR SALE, TRANSFER, OR MERGER	§	
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN TARRANT COUNTY	§	

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

On April 18, 2023, CSWR-Texas Utility Operating Company, LLC and Circle R Ranchettes Property Owners Association (together, Applicants) filed an application for the sale, transfer, or merger of facilities (STM) and certificate of convenience and necessity (CCN) rights in Tarrant County. Applicants supplemented their application on June 7, 2023 and June 14, 2023.

On June 5, 2023, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice, and directing both the Applicants and Staff to file a recommendation regarding how to proceed with the application and propose a procedural schedule by July 6, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division, and David Lopez and Fred Bednarski III, Rate Regulation Division, recommends that the 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 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 Ms. Mathis. 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

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively complete. Therefore, Staff proposes the following procedural schedule. Staff has conferred with the Applicants and represents that they are unopposed to the proposed procedural schedule and will not file a separate response.

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	August 7, 2023 or 30 days after the order finding the application administratively complete
Deadline for Staff to file a recommendation on sufficiency of notice	August 21, 2023 or 14 days after the deadline for the Applicants to file signed affidavits
Deadline to intervene	30 days after notice is issued
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale	30 days after the deadline to intervene
Deadline for the parties to file a response to Staff's recommendation on approval of sale	14 days after Staff's recommendation on approval of sale

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, 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: July 6, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Jena Abel
Deputy Division Director

John Harrison
Senior Managing Attorney

/s/ Kevin Pierce
Kevin Pierce
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DOCKET NO. 54899

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 July 6, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kevin Pierce
Kevin Pierce

Public Utility Commission of Texas

Memorandum

TO: Kevin Pierce, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: July 6, 2023

RE: Docket No. 54899 – *Application of CSWR-Texas Utility Operating Company, LLC and Circle R Ranchettes Property Owners Association for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

On April 18, 2023, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Circle R Ranchettes Property Owners Association (Circle R Ranchettes) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Tarrant County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR-Texas, water Certificate of Convenience and Necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Circle R Ranchettes under water CCN No. 12298.

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 14 on June 14, 2023 are sufficient.

- The requested area includes 48 customer connections and approximately 28.2 acres, comprised of:
27.6 acres of transferred area from Circle R. Ranchettes POA (CCN No. 12298) to CSWR-Texas (CCN No. 13290); and
0.6 acres of dual certificated area with Bethesda WSC (CCN No. 10089).
- The application proposes the subtraction of approximately 27.6 acres from CCN No. 12298 and the addition of approximately 28.2 acres to CCN No. 13290.
- 27.6 acres will be single certification with CSWR-Texas (CCN No. 13290).
- 0.6 acres will be dual certification between CSWR-Texas (CCN No. 13290) and Bethesda WSC (CCN No. 10089).

- The application indicates that the total acreage being requested is approximately 30.57 acres, however, the mapping review determined the requested area is approximately 28.2 acres.

Based on the mapping review and my technical and managerial review of the additional information filed on June 14, 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:
 - *Aqua Texas, Inc. (CCN No. 13201)*
 - *City of Fort Worth (CCN No. 12311)*
 - *Friendly Oaks Water Supply Corporation (WSC) (CCN No. 11729)*
 - *Texas Water Utilities, LP (CCN No. 12983)*
 - *Trinity River Authority of Texas*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Tarrant County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Northern Trinity Groundwater Conservation District*
 - d. Each owner 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) Provide notice using the attached notice forms.
- 3) 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.

- 4) File in the docket:
- a. A copy of the notices (1 copy of each).
 - b. The general location and detailed maps deemed sufficient during administrative review.
 - c. The signed affidavits for published notice and mailed notices.
 - d. A list specifying every person and entity to whom notice was provided.
 - e. If there are multiple landowners provide:
 - i. A map of the applicable county appraisal district parcels located within the requested area. The map should identify each property ID for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area; and
 - ii. A list of the applicable county appraisal district parcels located within the requested area. The list should include the following for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area;
 1. Each property ID;
 2. Landowner Name;
 3. Address; and
 4. The acreage owned by each listed landowner.

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 CSWR-Texas and Circle R Ranchettes. CSWR-Texas and Circle R Ranchettes will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Kevin Pierce
Legal Division

FROM: David Lopez
Fred Bednarski III
Rate Regulation Division

DATE: July 6, 2023

RE: Docket No. 54899 – *Application of CSWR-Texas Utility Operating Company, LLC and Circle R Ranchettes Property Owners Association for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

On April 18, 2023, CSWR-Texas Utility Operating Company (CSWR) and Circle R Ranchettes Property Owners Association filed an application for the sale and transfer of facilities and certificate rights in Tarrant County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239, and to amend CSWR's certificate of convenience and necessity number 13290 in, Tarrant County under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers provided to questions 4, 10, 11, 12, and 14 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 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
PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER
CCN NO. 12298 FROM CIRCLE R. RANCHETTES PROPERTY OWNERS ASSOCIATION
IN TARRANT COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 20____
(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 purchase all of the water facilities and to transfer water certificated service area under CCN No. 12298 in Tarrant County, TX from:

Circle R. Ranchettes P.O.A., Inc. 6078 Circle R Road North Fort Worth, TX76140
(Seller's Name) (Address) (City), (State) (Zip Code)

The requested area overlaps the district boundaries of Trinity River Authority of Texas. 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 subdivision:
Circle R Ranchettes.

The requested area includes 48 customer connections, is located approximately 5.2 mile(s) northwest of downtown Mansfield, Texas, and is generally bounded on the north by Sandy Lane; on the east by Teague Road; on the south by Rendon Bloodworth Road; and on the west by Rendon New Hope Road.

The requested area includes approximately 28.2 acres, comprised of:

- 27.6 acres of transferred area from Circle R. Ranchettes POA (CCN No. 12298) to CSWR-Texas (CCN No. 13290); and
- 0.6 acres of dual certificated area with Bethesda WSC (CCN No. 10089).

The application proposes the subtraction of approximately 27.6 acres from CCN No. 12298 and the addition of approximately 28.2 acres to CCN No. 13290.

27.6 acres will be single certification with CSWR-Texas (CCN No. 13290).

0.6 acres will be dual certification between CSWR-Texas (CCN No. 13290) and Bethesda WSC (CCN No. 10089).

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND
AFFECTED PARTIES
DOCKET NO. 54899

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice via first-class mail to the following entities, affected parties, 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 _____

Notice to Landowners

**CSWR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) NO. 13290, NOTICE OF INTENT TO
PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER
CCN NO. 12298 FROM CIRCLE R. RANCHETTES PROPERTY OWNERS ASSOCIATION
IN TARRANT COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 20____
(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 purchase all of the water facilities and to transfer water certificated service area under CCN No. 12298 in Tarrant County, TX from:

Circle R. Ranchettes P.O.A., Inc. 6078 Circle R Road North Fort Worth, TX76140
(Seller's Name) (Address) (City), (State) (Zip Code)

The requested area overlaps the district boundaries of Trinity River Authority of Texas. 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 subdivision:
Circle R Ranchettes.

The requested area includes 48 customer connections, is located approximately 5.2 mile(s) northwest of downtown Mansfield, Texas, and is generally bounded on the north by Sandy Lane; on the east by Teague Road; on the south by Rendon Bloodworth Road; and on the west by Rendon New Hope Road.

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

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS DOCKET NO. 54899

STATE OF TEXAS
COUNTY OF _____

- _____ has
- Determined that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area.
 - Provided individual notice via first-class mail to the following landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area:

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 _____

Notice Form Updated: March 31, 2022