



## **Filing Receipt**

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**Control Number - 55045**

**Item Number - 10**

**DOCKET NO. 55045**

<b>APPLICATION OF CITY OF FORT</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WORTH TO AMEND A CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND FOR DUAL CERTIFICATION</b>	<b>§</b>	
<b>WITH THE CITY OF HURST IN</b>	<b>§</b>	
<b>TARRANT COUNTY</b>	<b>§</b>	

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

On May 25, 2023, the City of Fort Worth (Fort Worth) filed an application to amend sewer Certificate of Convenience and Necessity (CCN) No. 12311 in Tarrant County. Fort Worth filed supplemental information on July 26 and September 14, 2023.

On August 28, 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 application, along with a proposed procedural schedule, if appropriate, by October 25, 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 Jaspinder Singh, Infrastructure Division, and Fred Bednarski, 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 Fort Worth 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 Fort Worth provide an accurate map delineating the requested service area. Staff further recommends that Fort Worth publish notice of the application for two consecutive weeks in a newspaper of general circulation in Tarrant County.

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

### **III. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Fort Worth 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	December 11, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	December 21, 2023
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Fort Worth 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: October 25, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

/s/ Margaux Fox  
Margaux Fox  
Managing Attorney  
State Bar No. 24120829  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7021  
(512) 936-7268 (facsimile)  
Margaux.Fox@puc.texas.gov

**DOCKET NO. 55045**

**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 25, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox  
Margaux Fox

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Margaux Fox, Attorney  
Legal Division

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

**DATE:** October 25, 2023

**RE:** Docket No. 55045 – *Application of City of Fort Worth to Amend a Certificate of Convenience and Necessity and for Dual Certification with the City of Hurst in Tarrant County*

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On May 25, 2023, City of Fort Worth (Fort Worth) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 and for dual certification with the City of Hurst (Hurst), CCN No. 10104, in Tarrant 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 Hank Journeay, Infrastructure Division, the revised maps and digital mapping data submitted with Item 8 on September 14, 2023 are sufficient.

- The requested area includes 0 customer connections and approximately 1.1 acres of dual certificated area with Hurst (CCN No. 10104).
- The application proposes the addition of approximately 1.1 acres to Fort Worth (CCN No. 12311).
- 1.1 acres will be dual certification between Fort Worth (CCN No. 12311) and Hurst (CCN No. 10104).

Based on the mapping review and my technical and managerial review of the additional information filed by Fort Worth on July 26, 2023, and September 14, 2023, I recommend that the application be deemed administratively complete. I further recommend that Fort Worth 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:
  - *City of Haltom City (CCN No. 10077)*
  - *City of Hurst (CCN No. 10104)*
  - *City of North Richland Hills (CCN No. 10103)*
  - *City of Richland Hills (CCN No. 10068)*
  - *Tarrant Regional Water District A Water Control & Improvement District (WCID)*
  - *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 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.
- 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) Within 30 days of the date the notice was mailed, Fort Worth must file in the docket:
  - a. A copy of the notices (1 example of each type of notice).
  - 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 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.
- f. 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 Fort Worth. Fort Worth will have 20 days from the receipt of the RFI to respond.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Margaux Fox, Attorney  
Legal Division

**FROM:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** October 25, 2023

**RE:** Docket No. 55045 – *Application of City of Fort Worth to Amend a Certificate of Convenience and Necessity and for Dual Certification with the City of Hurst in Tarrant County*

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On May 25, 2023, the City of Fort Worth (Fort Worth) filed an application to amend its certificate of convenience and necessity number 12311 and for dual certification with the City of Hurst in Tarrant County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers and supplemental information provided to questions 28, 29, 30, and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.



***Notice for Publication***

**NOTICE OF APPLICATION OF CITY OF FORT WORTH TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND FOR DUAL CERTIFICATION WITH THE CITY OF HURST TO PROVIDE WATER UTILITY SERVICE IN TARRANT COUNTY, TEXAS**

City of Fort Worth has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 and for a dual Certification with the City of Hurst CCN No. 10104 for the provision of retail water utility service in Tarrant County, Texas.

The requested area overlaps the district boundaries of Trinity River Authority of Texas. If this district do not request a public hearing, the Commission shall determine that the district is consenting to the City of Fort Worth's request to provide retail water utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 1.8 mile(s) southwest of downtown Hurst, Texas, and is generally bounded on the north by Central Park Drive; on the east by Well Springs Drive; on the south by Trinity Boulevard; and on the west by Interstate Highway 820.

The requested area includes approximately 1.1 acres of dual certificated area with City of Hurst (CCN No. 10104).

The application proposes the addition of approximately 1.1 acres to City of Fort Worth (CCN No. 12311).

1.1 acres will be dual certification between City of Fort Worth (CCN No. 12311) and City of Hurst (CCN No. 10104).

**A copy of the maps showing the requested area are available at: 200 Texas Street, Fort Worth, TX 76102**

*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.

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.

# PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 55045

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 \_\_\_\_\_

**Notice to Neighboring Systems, Customers, and Cities**

**NOTICE OF APPLICATION OF CITY OF FORT WORTH TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND FOR DUAL CERTIFICATION WITH THE CITY OF HURST TO PROVIDE WATER UTILITY SERVICE IN TARRANT COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

City of Fort Worth has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 and for a dual Certification with the City of Hurst CCN No. 10104 for the provision of retail water utility service in Tarrant County, Texas.

The requested area overlaps the district boundaries of Trinity River Authority of Texas. If this district do not request a public hearing, the Commission shall determine that the district is consenting to the City of Fort Worth's request to provide retail water utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 1.8 mile(s) southwest of downtown Hurst, Texas, and is generally bounded on the north by Central Park Drive; on the east by Well Springs Drive; on the south by Trinity Boulevard; and on the west by Interstate Highway 820.

The requested area includes approximately 1.1 acres of dual certificated area with City of Hurst (CCN No. 10104).

The application proposes the addition of approximately 1.1 acres to City of Fort Worth (CCN No. 12311).

1.1 acres will be dual certification between City of Fort Worth (CCN No. 12311) and City of Hurst (CCN No. 10104).

**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.*

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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.

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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.

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

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 55045

STATE OF TEXAS

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

\_\_\_\_\_ has provided individual notice via first-class mail to the following entities, affected parties, and customers (include a list if more than four):

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**

**NOTICE OF APPLICATION OF CITY OF FORT WORTH TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND FOR DUAL CERTIFICATION WITH THE CITY OF HURST TO PROVIDE WATER UTILITY SERVICE IN TARRANT COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

City of Fort Worth has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 and for a dual Certification with the City of Hurst CCN No. 10104 for the provision of retail water utility service in Tarrant County, Texas.

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1.1 acres will be dual certification between City of Fort Worth (CCN No. 12311) and City of Hurst (CCN No. 10104).

**See enclosed maps showing the requested area.**

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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.

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Public Utility Commission of Texas  
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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.



# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO LANDOWNERS DOCKET NO. 55045

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: June 9, 2023