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DOCKET NO. 55045

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

**THE CITY OF FORT WORTH'S SUPPLEMENTAL RESPONSE TO THE CITY OF
FORT WORTH'S RESPONSE TO ORDER NO. 4**

TO: Honorable Jeffrey J. Huhn, Administrative Law Judge, Public Utility Commission of Texas
COMES NOW, the City of Fort Worth, by and through its counsel, and respectfully files
“City of Fort Worth’s Supplemental Response to the City of Fort Worth’s Response to
Order No. 4”

I. BACKGROUND

On May 25, 2023, the City of Fort Worth (“Fort Worth”) filed an application to amend Certificate of Convenience and Necessity (“CCN”) No. 12311 and for dual certification with the City of Hurst, CCN No. 10104, (“Hurst”) in Tarrant County (“Application”). The City filed supplemental information on July 26, 2023 and September 14, 2023. PUC Commission Staff filed its supplemental recommendation on administrative completeness on October 25, 2023. The ALJ found the City’s application administratively complete on October 27, 2023 and adopted a procedural schedule requiring the City to publish notice to the affected parties and in a newspaper of general circulation. The ALJ gave the City until December 11, 2023 to file affidavits with the Commission regarding the City’s compliance with the requirement to publish notice. The City of Fort Worth filed its notice on December 11, 2023 with the PUC. Staff Counsel for the PUC notified the City that it failed to send certain documents and gave the City until December 21, 2023 to provide those documents.

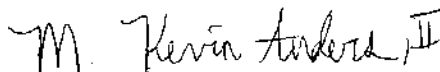
II. THE CITY OF FORT WORTH'S SUPPLEMENTAL RESPONSE

In response to PUC Staff Counsel Margaux Fox’s email to Counsel for the City, she

requested the City provide general location and detailed maps and landowner notice documents. The City is hereby providing a detailed map, a general location map, a copy of its “Notice to Neighboring Systems, Customers, and Cities,” and a copy of a notice and affidavit that the City mailed via first-class mail on December 21, 2023 to Trinity Railway Express (“TRE”). The purpose of this transaction is to allow the City to provide water service to a new TRE station located in the area the CCN will cover.

Pursuant to 16 T.A.C. 24.235(b)(2), in requesting a CCN from the PUC, the City must notify “each owner of a tract of land that is 25 acres and is partially included in the requested area.” A “tract of land” is “[a]n area of land that has common ownership and is not severed by other land under different ownership, whether owned by government entities or private parties; such other land includes roads and railroads.” 16 T.A.C. 24.3(37). The size of the affected area by the CCN is less than 25 acres. While TRE owns the property – the railroad corridor – which is severing the land in the requested area, the size of the land TRE owns is less than 25 acres. While the Administrative Code may not require the City to notify TRE, the City has nevertheless notified TRE. There are no other landowners who own more than 25 acres in the requested area.

Respectfully submitted,



M. Kevin Anders, II
Assistant City Attorney
State Bar No. 24101444
kevin.anders@fortworthtexas.gov

City of Fort Worth
200 Texas Street
Fort Worth, Texas 76102-6311
(817) 392-7600
(817) 392-8359/Fax

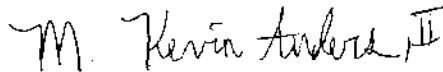
CERTIFICATE OF SERVICE

I certify that on the 21st day of December, 2023, a true and correct copy of the foregoing “City of Fort Worth’s Supplemental Response to the City of Fort Worth’s Response to Order No. 4” was delivered to the individuals listed below by the method indicated.

Honorable Jeffery J. Huhn, Administrative Law Judge
Public Utility Commission of Texas
Via Electronic Filing

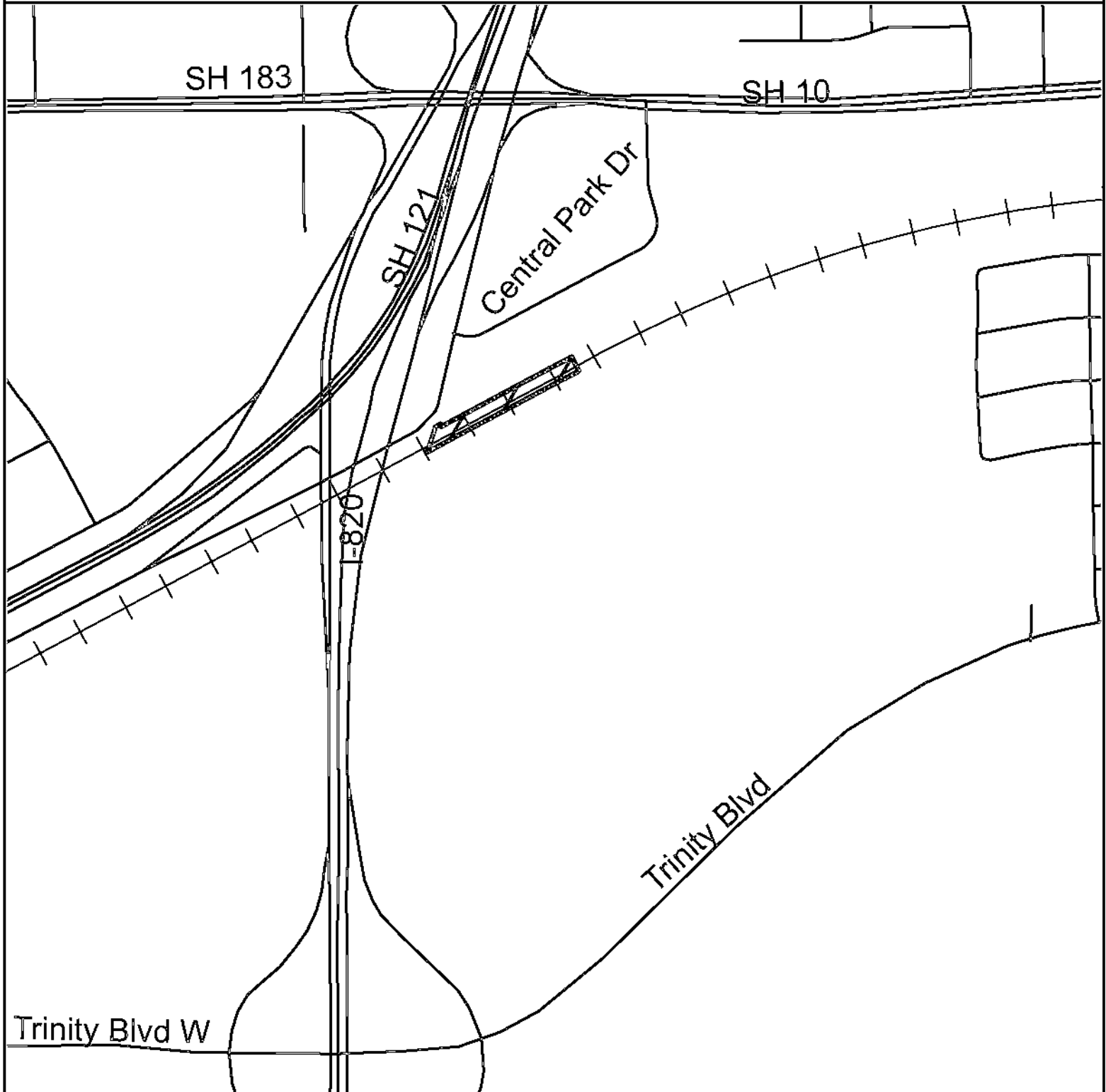
Clay Caruthers, City Manager
City of Hurst
ccaruthers@hursttx.gov
Via Electronic Mail

Margaux Fox
Public Utility Commission of Texas
Margaux.Fox@puc.texas.gov
Via Electronic Mail



M. Kevin Anders, II

**Amend City of Fort Worth (CCN No. 12311) and
Dually Certify with City of Hurst (CCN No. 10104) in Tarrant County**



Detailed Map

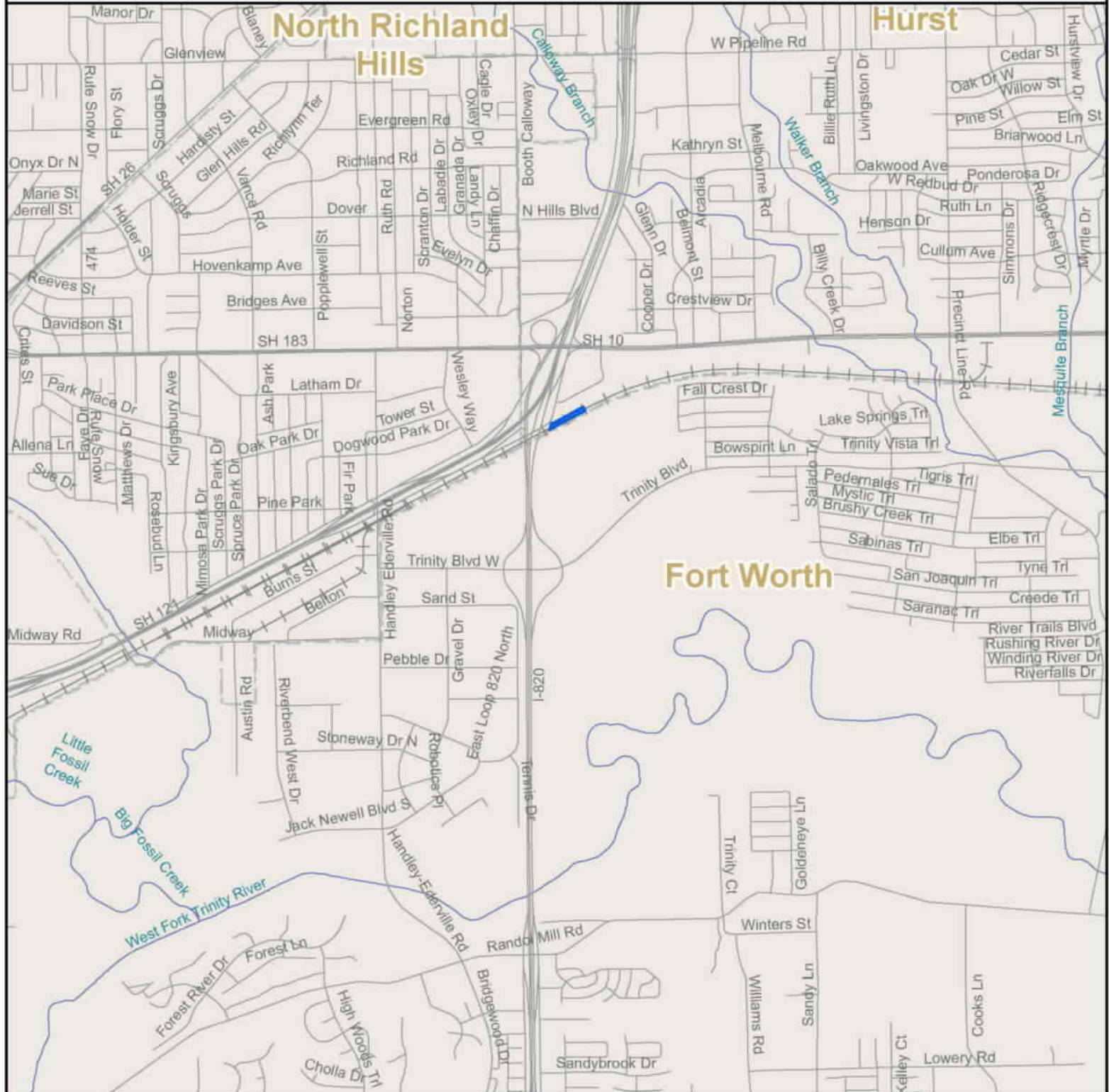
Legend



Requested Area to Dually Certify with City of Hurst (CCN No. 10104)



Amend City of Fort Worth (CCN No. 12311) and Dually Certify with City of Hurst (CCN No. 10104) in Tarrant County



General Location Map

Legend



Requested Area to Dually Certify with City of Hurst (CCN No. 10104)



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: THE HONORABLE TIM O'HARE, TARRANT COUNTY JUDGE
(Neighboring System, Landowner, Customer or City)
100 EAST WEATHERFORD ST SUITE 501
(Address)
FORT WORTH TX 76196
(City State Zip)

Date Notice Mailed: 11/3, 2023

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.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



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

STATE OF TEXAS

COUNTY OF TARRANT

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

See Attached List

DATE OF NOTICE

OATH

I, Chris Harder, being duly sworn, file this form as Water Director (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 forth therein are true and correct.

Ch Harder

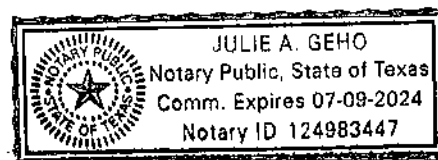
Applicant's Authorized Representative

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 21st day of November, 2023, to certify which witness my hand and seal of office.

Julie A Geho
Notary Public in and for the State of Texas

Julie Geho
Print or Type Name of Notary Public



Commission Expires July 09, 2024

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

ENTITY	DATE OF NOTICE
City of Haltom City (CCN No. 10077)	11/03/2023
City of Hurst (CCN No. 10104)	11/03/2023
City of North Richland Hills (CCN No. 10103)	11/03/2023
City of Richland Hills (CCN No. 10068)	11/03/2023
Tarrant Regional Water District A Water Control & Improvement District (WCID)	11/03/2023
Trinity River Authority of Texas	11/03/2023
Tarrant County Judge (The Honorable Tim O'Hare)	11/03/2023
Northern Trinity Groundwater Conservation District	11/03/2023

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: Trinity Railway Express
 (Neighboring System, Landowner, Customer or City)
801 Grove Street
 (Address)
Fort Worth TX 76102
 (City State Zip)

Date Notice Mailed: 12/21, 2023

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.

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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 LANDOWNERS DOCKET NO. 55045

STATE OF TEXAS

COUNTY OF TARRANT

The City of Fort Worth

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

Trinity Railway Express

12/21/2023

OATH

I, Chris Harder, being duly sworn, file this form as Water Director (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 forth therein are true and correct.

CE H.C.
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.

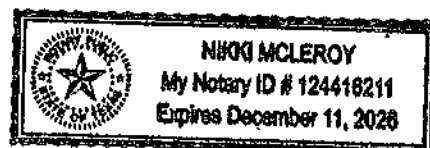
Subscribed and sworn to before me this 21st day of December, 2023,
to certify which witness my hand and seal of office.

Nikki McLeroy
Notary Public in and for the State of Texas

Nikki McLeroy
Print or Type Name of Notary Public

Commission Expires Dec. 11, 2026

Notice Form Updated: June 9, 2023



FORT WORTH

WATER - ENGINEERING SERVICES
CITY OF FORT WORTH
1000 THROCKMORTON ST
FORT WORTH TX 76102

TRINITY RAILWAY EXPRESS
801 GROVE STREET
FORT WORTH TX 76102



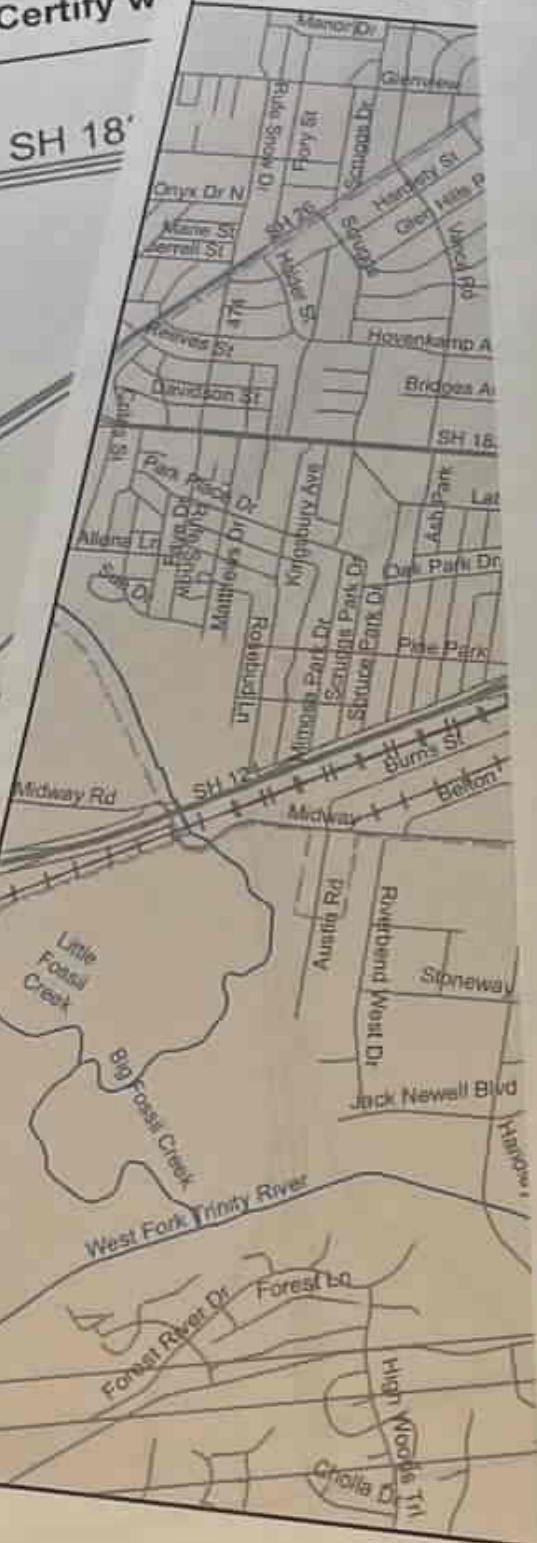
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decision. An evidentiary
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the requested area, may
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All opt out requests must
landowner's tract of land
A landowner that opts out
retail water or sewer utility
Persons who wish to re

In addition, the landowner
request additional information
Si desea información



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Requested Area to Du

Created by: Wade Goodman
Date Created: 8/29/2023

Notice Form Up

Docket No. 55045

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

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(Address)
Fort Worth TX 76102
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Notice Form Updated: June 9, 2023

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FORT WORTH

WATER - ENGINEERING SERVICES
CITY OF FORT WORTH
1000 THROCKMORTON ST
FORT WORTH TX 76102

TRINITY RAILWAY EXPRESS
801 GROVE STREET
FORT WORTH TX 76102



PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS
DOCKET NO. 55045

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COUNTY OF TARRANT

The City of Fort Worth

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Water Director (indicate relationship to applicant, that is,
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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