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DOCKET NO. 43119

APPLICATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 22 FOR CERTIFICATES OF CONVENIENCE AND NECESSITY AND FOR DUAL CERTIFICATION WITH THE CITY OF PEARLAND AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 21 IN BRAZORIA AND FORT BEND COUNTIES (37946-C) AND (37947-C)

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STAFF'S RESPONSE TO ORDER NO. 5, RECOMMENDATION ON SUFFICIENCY OF ADDITIONAL INFORMATION, STATUS UPDATE, AND PROPOSED PROCEDURAL SCHEDULE

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Staff's Response to Order No. 5, Recommendation on Sufficiency of Additional Information, Status Update, and Proposed Procedural Schedule. In support of its Response, Staff states the following:

I. BACKGROUND AND STATUS UPDATE

On June 9, 2014, Brazoria County Municipal Utility District No. 2 (Applicant) filed two applications with the Texas Commission on Environmental Quality (TCEQ) requesting new water and sewer Certificates of Convenience and Necessity (CCN), respectively, in Brazoria and Fort Bend Counties, Texas pursuant to TEX. WATER CODE ANN. Subchapter G and Title 30, TEX. ADMIN. CODE (30 TAC) Subchapter G.¹ In its applications, the Applicant also requested dual certification with the City of Pearland and Brazoria County Municipal Utility District No. 21. On August 18, 2014, the TCEQ accepted the applications for filing but directed the Applicant to mail revised notice to customers. The TCEQ further directed the Applicant to submit a copy of its revised notice mailed to customers along with signed affidavits supporting the revised notice by September 30, 2014.

¹ Currently Title 16, Tex. Admin. Code (16 TAC) Subchapter G.

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Effective September 1, 2014, the Commission began the economic regulation of water and sewer utilities and this case formerly pending at the TCEQ was transferred to the Commission. The Commission received the Applicant's two applications on September 19, 2014. The Applicant's water application was assigned Docket No. 43119 and its sewer application was assigned Docket No. 43120.

On October 10, 2014, Order No. 2 Requiring Comments on Status was issued requiring Staff to file an update on the status of the proceeding, to file a recommendation on the need for a hearing or on final disposition of the application, or to propose a procedural schedule by November 3, 2014. Additionally, Order No. 2 consolidated Docket No. 43119 and Docket No. 43120 into Docket No. 43119. On November 3, 2014, Staff filed its Response to Order No. 2, Status Update and Request for Extension of Deadline for Staff's Recommendation on Processing the Application in which Staff requested that the Administrative Law Judge (ALJ) extend the deadline for Staff to file its recommendation on the applications until November 17, 2014 in order to attempt to locate the revised notice documents or allow the Applicant to refile the requested documents. On November 4, 2014, the ALJ issued Order No. 3 granting Staff's request for an extension and requiring Staff to file its recommendation on final disposition of this docket or to propose a procedural schedule by November 17, 2014. On November 10, 2014, the Applicant refiled its revised notices published and mailed to customers along with signed affidavits supporting the revised notices. On November 17, 2014, Staff filed its Response to Order No. 3 and Proposed Procedural Schedule, in which Staff recommended that the applications and revised notices were sufficient and that no hearing on the applications was necessary. On December 1, 2014, the ALJ issued Order No. 4 finding the application and notice sufficient and adopting the proposed procedural schedule.

On April 17, 2015 and May 4, 2015, the Applicant filed additional information regarding the Applicant's ability to provide continuous and adequate service to the requested area. On June 30, 2015, the ALJ issued Order No. 5 directing Staff to file a recommendation on sufficiency of the additional information and file a proposed procedural schedule by July 10, 2015. This Response is timely filed.

II. STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE ADDITIONAL INFORMATION AND STATUS UPDATE

Staff has reviewed the additional information filed by the Applicant on April 17, 2015 and May 4, 2015 and continues to recommend that the application is sufficient. Staff has revised the Commission's maps to reflect the application and emailed the revised maps and blank consent forms to the Applicant on May 14, 2015. Currently, Staff is waiting to receive the signed consent forms from the Applicant indicating that the Applicant consents to the maps of the service area as revised by Staff. Pursuant to the existing procedural schedule adopted by the ALJ in Order No. 4, the deadline for the Applicant to return signed consent forms was June 5, 2015.² Staff contacted the Applicant in June and the Applicant indicated that it is in the process of reviewing the revised maps.

III. SUPPLEMENTAL PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

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|--|------------------------|
| Deadline for Applicant to file signed consent forms indicating that the Applicant consents to the maps of the service area as revised by Staff | July 31, 2015 |
| Deadline for Staff to file its final recommendation on the application | August 28, 2015 |

IV. CONCLUSION

Staff recommends that the application continues to be sufficient. Additionally, Staff recommends adoption of its proposed procedural schedule.

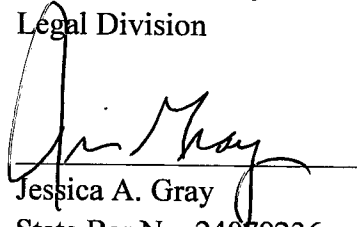
Date: July 10, 2015

² Order No. 4 directed the Applicant to file completed and signed consent forms within 15 working days from the parties' receipt of revised maps and blank consent forms from Commission Staff.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Shelah J. Cisneros
Managing Attorney
Legal Division

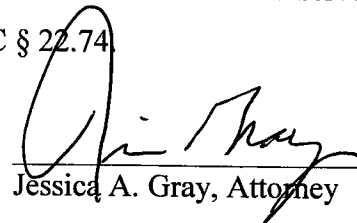


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CERTIFICATE OF SERVICE

I certify that a copy of this document was served his document was served on all parties of record on July 10, 2015 in accordance with 16 TAC § 22.74.



Jessica A. Gray, Attorney