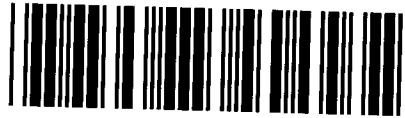


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DOCKET NO. 43119

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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PUBLIC UTILITY COMMISSION OF TEXAS

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 3 AND PROPOSED PROCEDURAL SCHEDULE

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Response to Order No. 3 and Proposed Procedural Schedule. In support of its Response, Staff states the following:

I. BACKGROUND

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.

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.

¹ Currently Title 16, TEX. ADMIN. CODE (16 TAC), Subchapter G.

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 applications, 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. This Response is timely filed.

II. STAFF'S RECOMMENDATION ON THE NOTICE AND APPLICATIONS

On August 18, 2014, the TCEQ accepted the applications for filing but directed the Applicant to mail revised notice to customers and submit a copy of its revised notice along with signed affidavits supporting the revised notice by September 30, 2014. In Staff's November 3, 2014 Request for Extension of Deadline for its recommendation on the applications, Staff stated that the required revised notice documents either may not have been transferred to the Commission or may have been inadvertently omitted from the Commission's database during the transfer of water and sewer utility cases from the TCEQ to the Commission. Staff requested additional time to work with the Applicant to locate the required documents and stated that the Applicant agreed to refile the revised notice and affidavits with the Commission.

On November 10, 2014, the Applicant filed its revised notices along with signed affidavits supporting the revised notices. In this filing, the Applicant indicated that it published revised notice of the applications in the Houston Chronicle on August 28, 2014 and September 4,

2014. The Applicant also indicated that it mailed revised notice to neighboring utilities, affected parties, and landowners on September 24, 2014 and September 25, 2014. Staff has reviewed the revised notice documents and affidavits and recommends that the revised notices are sufficient. Additionally, Staff has reviewed the applications and recommends that they are sufficient.

III. STAFF'S RECOMMENDATION

Staff has reviewed the applications and revised notices submitted by the Applicant on November 10, 2014 and recommends that they are sufficient. Additionally, Staff recommends that no hearing on the applications is necessary. Staff will revise the Commission's mapping information to reflect these applications. Upon completion of mapping, the parties must submit to the Commission signed consent forms evidencing their consent to the revised maps. Once Staff has received the completed and signed consent forms from the parties, Staff will issue its final recommendation on the applications.

IV. PROPOSED PROCEDURAL SCHEDULE

In order to accomplish the final disposition of the applications as stated above, Staff proposes the following procedural schedule:

<u>EVENT</u>	<u>DATE</u>
Deadline for parties to file completed and signed consent forms to the Commission.	15 working days from parties' receipt of revised maps and blank consent form from Commission Staff.
Deadline for Commission Staff to file final recommendation on the applications.	20 working days from receipt of completed and signed consent forms from parties.
If no disputed issues, deadline for parties to file proposed notice of approval with findings of fact, conclusions of law, and ordering paragraphs.	10 working days after Commission Staff's final recommendation on the applications.

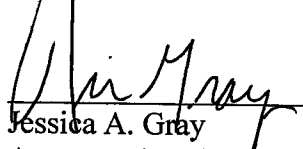
V. CONCLUSION

Staff has reviewed the revised notices and applications and recommends that they are sufficient and that no hearing is required. Staff respectfully requests that the ALJ issue an order consistent with this response.

Date: November 17, 2014

Respectfully Submitted,
Margaret Uhlig Pemberton
Division Director
Legal Division

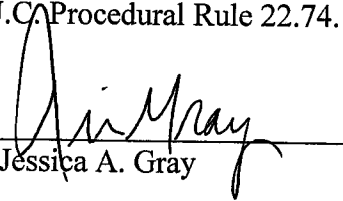
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 17th day of November, 2014, in accordance with P.U.C. Procedural Rule 22.74.


Jessica A. Gray