



Control Number: 43403



Item Number: 6

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**PUC DOCKET NO. 43403**

<b>APPLICATION OF AUGUST LAKES WATER SUPPLY CORPORATION (WSC) TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN WALLER COUNTY (APPLICATION NO. 38021- C)</b>	§	<b>PUBLIC UTILITY COMMISSION</b> OF TEXAS 2014 DEC 12 PM 1:27 FILING CLERK
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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 2 and would show the following:

**I. BACKGROUND**

On August 18, 2014, August Lakes Water Supply Corporation (Applicant) filed an application to obtain a certificate of convenience and necessity (CCN) in Waller County with the Texas Commission on Environmental Quality. On October 10, 2014, the application was transferred to the Commission. On November 4, 2014, Order No. 2 was issued requiring Staff to file an update on the status of this proceeding, and if appropriate, propose a procedural schedule for processing; therefore, this filing is timely.

**II. STATUS UPDATE**

Staff has reviewed the Applicant's application and finds that it is deficient. Staff recommends that the Applicant be given an additional 30 days to supplement its application to cure these deficiencies. The attached memorandum of Elizabeth English, Engineering Specialist in the Commission's Water Utilities Division, details the deficiencies in the application and provides recommendations on how to cure them.

**III. CONCLUSION & PRAYER**

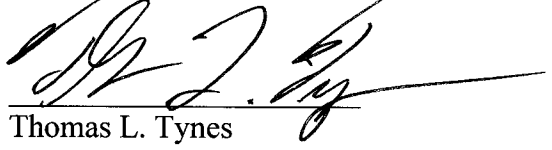
Based upon Ms. English's memorandum, Staff recommends that the presiding officer find the application deficient and issue an order allowing the Applicant to cure the deficiencies in its application in accord with the recommendations in the attached memorandum.

**DATE: December 12, 2014**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

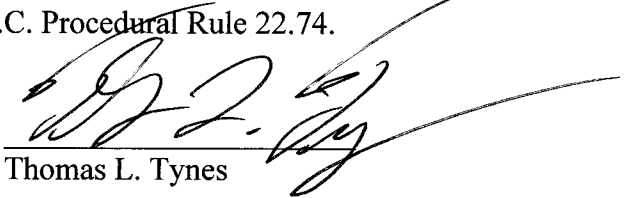


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 12<sup>th</sup> day of December, 2014 in accordance with P.U.C. Procedural Rule 22.74.



Thomas L. Tynes

# *Public Utility Commission of Texas*

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## **Memorandum**

**To:** Thomas Tynes, Attorney, Legal Division

**Through:** Tammy Benter, Director, Water Utilities Division

**From:** Elizabeth English, Water Utilities Division

**SUBJECT:** Docket No. 43403, Application of August Lakes Water Supply Corporation (WSC) to Obtain a Water Certificate of Convenience and Necessity (CCN) in Waller County (Application No. 38021-C)

**DATE:** December 11, 2014

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On August 18, 2014, August Lakes WSC (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain a new water certificate of convenience and necessity (CCN) in Waller County, pursuant to Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), §§291.101–291.107. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's jurisdiction. The application is now being reviewed by PUC Staff (Staff) under the PUC SUBST. R. 24.101–24.107.

Based on Staff's review of the information in the application, I recommend that the application be deemed insufficient for filing at this time due to the following deficiencies:

1. The digital map file submitted in a DWG format did not include the projection or coordinate system. Applicant should submit revised digital data in a shapefile format with the projection (PRJ) file. The digital data must be labeled with the Docket 43403, and include the Applicant's name and projection of the file. Staff is unable to evaluate the remaining mapping or notice documents for sufficiency at this time because Staff is unable to accurately delineate the boundary and location of the proposed water service area.

2. The Applicant only submitted a list of 2-mile entities of their proposed water service area. Because Applicant is obtaining a new water CCN, Applicant must submit a complete list of neighboring entities within 5-miles of the proposed water service area including other retail public utilities (CCNs), districts, ground water conservation districts, counties, cities and their ETJ's, and any other entities required to receive notice.

3. Applicant should supplement the application by filing a copy of the plans and a specifications approval/disapproval letter from the TCEQ for Log #P-07022014-011.

4. On page 12 of 31 of the application filing, the response to Question 4.D. states that the plat approval has not been submitted. The Applicant should provide documentation as evidence that a plat approval has been submitted for approval or an explanation of why plat approval is not required in this instance.

Staff recommends the Applicant be given an additional 30 days to cure these deficiencies.