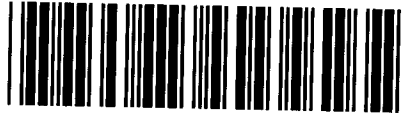


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PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
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OF TEXAS

APPLICATION OF TRINITY RTC GP, §
LLC TO OBTAIN WATER AND §
SEWER CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
HARRIS COUNTY §

COMMISSION STAFF'S RESPONSE TO ORDER NO. 4

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 4 and would show the following:

I. BACKGROUND

On October 17, 2014, Trinity RTC GP, LLC (Applicant) filed an application to obtain new water and sewer certificates of convenience and necessity (CCN) in Harris County, Texas pursuant to TEX. WATER CODE ANN. Subchapter G and Title 16, TEX. ADMIN. CODE (16 TAC) Subchapter G.

On October 21, 2014, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Commission Staff to file comments on the administrative completeness of the application and proposed notice and to file comments regarding how this petition should be processed and propose a procedural schedule by October 31, 2014. On October 31, 2014, Staff filed its Response to Order No. 1, Status Update, and Request for an Extension of Time. On November 5, 2014, the ALJ issued Order No. 2 extending the deadline for Staff to file comments on the administrative completeness of the application and proposed notice and a proposed procedural schedule until December 1, 2014.

On December 1, 2014, Staff filed its Response to Order No. 2 and Request for an Extension of Time. In this Response, Staff requested that the deadline for Staff to file comments on the administrative completeness of the application and proposed notice be extended in order to allow Staff adequate time to complete the overlap mapping review of the application. On December 5, 2014, the ALJ issued Order No. 3 extending the deadline for Staff to file comments on the administrative completeness of the application and proposed notice and a proposed procedural schedule until January 6, 2015. On January 6, 2015, Staff filed its Response to Order No. 3, in which Staff recommended that the application be found materially deficient. On

January 8, 2015, the ALJ issued Order No. 4 directing the Applicant to file an amended application by February 9, 2015 and Staff to file a supplemental recommendation on administrative completeness by March 11, 2015. This Response is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

The Applicant filed supplemental mapping information on January 27, 2015. Staff has reviewed the supplemental information and recommends that the Applicant has not cured the deficiencies identified by Staff in its January 6, 2015 Response. Specifically, the supplemental maps and mapping documents do not meet the Commission's mapping requirements pursuant to 16 TAC § 24.105(a). The deficiencies identified by Staff prevent staff from completing a mapping overlap check of the application to determine the actual location of the proposed new CCN service areas. The overlap check is integral in determining whether the information submitted by the Applicant in its application is sufficient. The overlap check allows Staff to determine whether the Applicant's proposed CCN area overlaps with other existing CCN areas and whether the Applicant has provided notice to the proper affected parties.

16 TAC § 24.8(a) provides that, if material deficiencies exist in a rate/tariff change application or notice, the application may be rejected. Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the application and notice are both administratively complete. Staff has identified deficiencies in the application and cannot complete its administrative review of the application until the deficiencies are cured. Staff is unable to complete an overlap check or evaluate the digital data provided by the Applicant until sufficient mapping information is provided by the Applicant. Additionally, Staff is unable to determine whether the submitted list of entities to be noticed is sufficient until sufficient maps are received. Therefore, Staff recommends that the application package be found not administratively complete pursuant to TEX. WATER CODE ANN. Subchapter G and 16 TAC Subchapter G. Staff recommends that the application package be rejected pursuant to 16 TAC § 24.8(a) until the deficiencies are cured and respectfully requests that the Applicant be given until April 10, 2015 to cure the identified deficiencies. Upon receipt of the supplemental mapping information from the Applicant, Staff proposed to file a recommendation on sufficiency by May 15, 2015.

Staff further recommends that the Applicant be directed to not publish notice of the application until the maps, digital data, notice documents, and a five-mile list of entities have been approved by Staff.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the Applicant has not cured the identified deficiencies and that the application remain not administratively complete due to deficiencies in the mapping information supplied by the Applicant. Staff recommends that the Applicant be given until April 10, 2015 to cure the identified deficiencies. Upon receipt of the supplemental mapping information from the Applicant, Staff proposed to file a recommendation on sufficiency by May 15, 2015. Accordingly, Staff has not proposed a procedural schedule for this application at this time.

IV. CONCLUSION

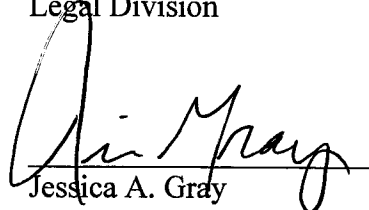
Staff recommends that the Applicant has not cured the deficiencies identified by Staff, and that application is not administratively complete due to deficiencies in the mapping information filed by the Applicant. Therefore, Staff respectfully recommends that the Applicant be given until April 10, 2015 to submit additional information in order to cure the mapping deficiencies identified by Staff. Upon review of the amended application, Staff proposes to file comments on administrative completeness on or before May 15, 2015. In the event that Staff determines that the Applicant's amended application is administratively complete, Staff will propose a procedural schedule. Staff respectfully requests that the ALJ issue an order consistent with this Response.

Date: March 6, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

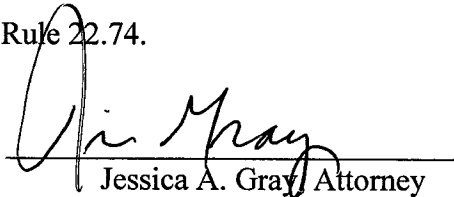
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 6, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Jessica A. Gray, Attorney