



Control Number: 43587



Item Number: 7

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DOCKET NO. 43587

RECEIVED

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

2015 JAN 6 10 31 AM
PUBLIC UTILITY COMMISSION
OF TEXAS
FILED

COMMISSION STAFF'S RESPONSE TO ORDER NO. 3

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 3 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. This Response is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memo (Attachment A) from George Gogonas, Utility Rates Analyst/Auditor in the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found materially deficient pursuant to 16 TAC § 24.106. Staff identified deficiencies in the mapping information supplied by the Applicant. Specifically, the maps and mapping documents provided in the application 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.

In order to cure the identified mapping deficiencies, Staff recommends that the Applicant provide a scaled *general* location map delineating both the proposed water and sewer service areas with enough detail and clearly labeling surrounding streets, roads, and/or highways in order to accurately locate the proposed service areas within the requested county. Additionally, Staff recommends that the Applicant provide a *detailed* map (to scale) delineating the proposed water and sewer service areas with enough detail and clearly labeling surrounding streets, roads, and/or highways in order to accurately locate the proposed service areas.

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 general location and detailed maps are approved by mapping Staff. Additionally, Staff is unable to determine whether the submitted five-mile 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 thirty days from the date of the Commission order to cure the identified deficiencies. 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 application be found not administratively complete due to deficiencies in the mapping information supplied by the Applicant. Staff recommends that the Applicant be given thirty days to cure the identified deficiencies. Accordingly, Staff has not proposed a procedural schedule for this application at this time.

IV. CONCLUSION

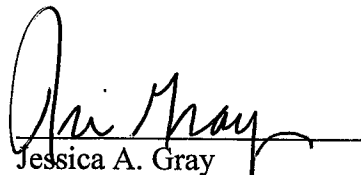
Staff recommends that the application is not administratively complete due to deficiencies in the mapping information filed by the Applicant. Therefore, Staff respectfully recommends that the Applicant be given thirty days to submit additional information in order to cure the mapping deficiencies identified by Staff. Upon review of the amended application, Staff proposed to file comments on administrative completeness within thirty calendar days of receiving the additional information. 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: January 6, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

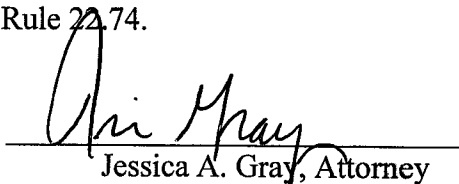
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CERTIFICATE OF SERVICE

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



Jessica A. Gray, Attorney

ATTACHMENT A

PUC Interoffice Memorandum

To: Jessica Gray, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: George Gogonas, Utility Rates Analyst/Auditor
Water Utilities Division

Date: December 23, 2014

Subject: Docket No. 43587, Application of Trinity RTF GP, LLC to obtain water and sewer Certificate of Convenience and Necessity (CCN) in Harris County.

On October 17, 2014, Trinity RTF GP, LLC, filed an application with the Public Utility Commission to obtain water and sewer Certificates of Convenience and Necessity (CCN) in Harris County pursuant to the criteria in the Texas Water Code, Chapter 13 and Title 16, Texas Administrative Code, P.U.C. SUBST. Rs.24.102 – 24.107.

Based on a review of the information in the application, I recommend that the application be deemed insufficient for filing at this time due to mapping deficiencies. In order to cure the deficiencies, I recommend the applicant provide the following information within 30 calendar days from the date of the Commission's order:

- **a scaled general location map** delineating both the proposed water and sewer service areas with enough detail and clearly labeling surrounding streets, roads, and/or highways in order to accurately locate the proposed service areas within the requested county.
- **a detailed map (to scale)** delineating the proposed water and sewer service areas with enough detail and clearly labeling surrounding streets, roads, and/or highways in order to accurately locate the proposed service areas.

In addition, the applicant should be informed that public notice should not be provided until maps, digital data, notice documents and 5-mile list of entities are reviewed and considered sufficient by staff. The applicant may contact mapping staff for guidance to resolve mapping deficiencies listed above.

Lastly, staff requests that they be given 30 days from the date the applicant files their response, to report on the status of the application. If the Applicant fails to file the requested information within 30 calendar days from the date of the Commission's order, staff further recommends dismissal of the application.