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DOCKET NO. 43832

APPLICATION OF PALO DURO §
SERVICE COMPANY, INC. TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
PARKER AND WISE COUNTIES §

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 2, COMMENTS ON ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW, Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Response to Order No. 2, Comments of Administrative Completeness and Notice and Proposed Procedural Schedule. In support of its Response, Staff states the following:

I. BACKGROUND

On November 21, 2014 Palo Duro Service Company (Palo Duro or Company) filed with the Public Utility Commission of Texas (Commission) a request for correction of maps related to water certificate of convenience (CCN) No. 12200 in Parker County, Texas. On December 1, 2014, the Administrative Law Judge issued Order No. 1 and deemed the application as not filed because Palo Duro did not submit their application on the Commission-approved application form. On February 9, 2015, Palo Duro filed with the Commission, on the Commission-approved application form, an application to amend its CCN No. 12200 in Parker and Wise Counties, Texas. At this time, Palo Duro seeks to amend its CCN to update its current certificated service area and to expand its service area to provide service to the proposed Aledo Ridge Subdivision.

On February 13, 2015, Order No. 2 Requiring Comments on Administrative Completeness and Notice, Requesting Procedural Schedule, and Addressing Other Procedural Matters was issued requiring Staff to file a recommendation on the Application by March 11, 2015. Therefore, this Response is timely filed.

II. STAFF'S RECOMMENDATION ON THE NOTICE AND APPLICATIONS

As detailed in the attached memorandum of Debbie Reyes-Tamayo of the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found materially deficient pursuant to P.U.C. SUBST. R. 24.102, 24.105, 24.106, and 24.107. Staff has identified multiple mapping and related notice deficiencies in the application. P.U.C.

SUBST. R. 24.8(a) provides that, if material deficiencies exist in a CCN application or notice, the application may be rejected. In order to cure the identified mapping deficiencies, Staff recommends the Applicant update the application as specified in the attached memoranda.

Pursuant to P.U.C. SUBST. R. 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, therefore, recommends that the application package be found **not administratively complete** pursuant to P.U.C. SUBST. R. 24.105 and 24.106. Therefore, Staff recommends that the application package be rejected pursuant to P.U.C. SUBST. R. 24.8(a) until the deficiencies are cured and that the Applicant be given until April 8, 2015 to cure the identified deficiencies and submit a revised proposed notice.

III. PROPOSED PROCEDURAL SCHEDULE

As explained in the attached memoranda, Staff recommends that the application be found not administratively complete due to the identified deficiencies. Accordingly, Staff has not proposed a procedural schedule for this application at this time. Staff recommends Applicant have until April 8, 2015 to cure the deficiencies in the application. Staff also requests that it have until May 12, 2015 to review the items submitted and make a supplemental recommendation regarding the sufficiency of the application.

IV. CONCLUSION

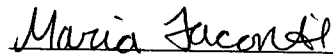
Staff recommends that the application be deemed not administratively complete due to the noted deficiencies. Staff further recommends that the Applicant be given until April 8, 2015 to amend its application in order to cure the deficiencies identified in Staff's memo and submit a revised proposed notice. In addition, Staff requests that it have until May 12, 2015 to supplement its recommendation regarding notice and administrative completeness of the application. In the event that Staff determines that the Applicant's amended application and notice are administratively complete, Staff will propose a procedural schedule for processing the matter. Staff respectfully requests the ALJ issue an order consistent with this Response.

Date: March 11, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director- Legal Division

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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 11th day of March, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Maria Faconti

PUC Interoffice Memorandum

To: Maria Faconti
Legal Division

Thru: Tammy Benter, Director
Water Utility Division

From: *DT* *2-11-15* Debbie Reyes Tamayo, Program Specialist
Suzanne Burt, GIS Specialist
Water Utility Division

Date: March 11, 2015

Subject: Docket No. 43832; Application of Palo Duro Service Company, Inc. to Amend Its Certificate of Convenience and Necessity in Parker and Wise Counties

On November 21, 2014, Palo Duro Service Company, Inc., (Applicant) filed with the Commission an application to amend its water CCN No. 12200 in Parker and Wise Counties. On December 1, 2014, the Administrative Law Judge instructed the Applicant to submit their application using the Commission-approved application form available online. On February 9, 2015 Applicant filed a new application and seeks to amend its CCN No. 12200 in Parker and Wise Counties, Texas in order to update its current certificated service area and to expand its service area to provide service to the proposed Aledo Ridge Subdivision. This application is being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102, 24.105, 24, 106, and 24.107.

Based upon Staff's review of the information in the application, the application should be found deficient and should not be accepted for filing. In order to continue processing the application, we recommend the Applicant do the following:

Application Deficiencies

For the Applicant's existing water systems:

- Provide the most recent Texas Commission on Environmental Quality (TCEQ) inspection report letter for the water system and the applicant's response to the TCEQ to address any deficiencies noted in the inspection report.
- Provide a current tariff for the system which reflects the applicant's current rates.

For the Applicant's new water system to serve the Aledo Ridge Addition:

- Provide plans and specifications approval letter or Engineering Report approval letter from the TCEQ.
- Documentation of subdivision plat approval by Parker County.

Provide clarification regarding the county location of the proposed areas. Page 2 of the application indicates the proposed service is in Parker and Wise Counties; however, the mapping information shows the proposed area to be in Parker County only.

Mapping Deficiencies

1. Provide a general location map delineating the proposed service area with enough detail to accurately locate the proposed areas within the county. The general location map should not be hand drawn and should clearly show only the two proposed areas clearly labeled as "Proposed CCN". This map should have enough detail to locate the areas within the county. This map can be printed on letter sized paper and may be used as the notice map.
2. Provide a map showing ONLY the proposed area by:
 - Metes and bounds survey certified by a licensed state or registered professional land surveyor; or
 - Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
 - Following verifiable natural and man-made landmarks; or
 - A copy of recorded plat map with metes and bounds.
3. The Applicant submitted metes and bounds certified by a licensed land surveyor for one of the two proposed areas (the Aledo Ridge addition); however, the metes and bounds description submitted for the "area adjacent to DuChane Chateaux" is not certified by a licensed land surveyor.
4. The cover letter from William B. Boomer, P.E., states a CD with shape files for the proposed areas were enclosed with the application, but a CD was not included.

To cure the mapping deficiencies, submit either metes and bounds survey certified by a licensed state or registered professional land surveyor for both of the proposed areas **OR** projectable digital data with metadata (coordinate system/projection information) for both proposed CCN areas on a CD and labeled with Docket No. 43832, **AND** also submit a general location map that clearly show and label only the proposed CCN areas. All maps and digital data should have the exact same proposed CCN boundaries.

Notice Deficiencies

Staff is unable to determine list of utilities, districts, counties, cities, and ETJ's or other entities required to receive notice until we receive sufficient maps that meet the above referenced mapping requirements.

The Applicant should not issue notice to any party until the Applicant's proposed map and notice documents are approved by the Commission.