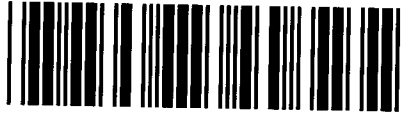


Control Number: 43895



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 43895

APPLICATION OF CONCHO RURAL  
WATER CORPORATION TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN TOM GREEN  
COUNTY

§  
§  
§  
§  
§

RECEIVED  
2015 JAN 16 AM 11:01  
PUBLIC UTILITY COMMISSION  
OF TEXAS

## 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 December 4, 2014, Concho Rural Water Corporation (CRWC or Applicant) filed an application with the Commission to amend its water certificate of convenience (CCN) No. 11361 in Tom Green County, Texas, pursuant to TEX. WATER CODE §§ 13.242, 13.244, 13.246 and 16 TEX. ADMIN. CODE §§24.101, 24.102, 24.104, 24.106, and 24.107. On December 5, 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 December 18, 2014. Staff filed a request for an extension on December 18, 2014. The ALJ issued Order No. 2 granting the request and requiring 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 no later than January 16, 2015.

### II. SUFFICIENCY RECOMMENDATION

Staff has reviewed the amendment application for administrative completeness and recommends finding the application to be administratively incomplete. As described in the attached memorandum from Elisabeth English, Water Utilities Division, the application is deficient with regards to several components of mapping and notice. These issues must be remedied before additional processing of the application can continue.

### III. PROCEDURAL SCHEDEULE

Staff recommends that the Applicant be required to respond to this recommendation, including correction of the mapping and notice deficiencies through of the additional mapping information provision of proposed notice for review no later than February 20, 2015. Staff will review Applicant's response and provide a recommendation on the administrative completeness of the application and proposed notice by March 20, 2015. If Staff recommends finding the application and notice sufficient at that time, Staff will also recommend a procedural schedule to complete the processing of the application.

### IV. CONCLUSION

Staff respectfully requests that the ALJ find the application administratively incomplete. Staff also requests that the ALJ establish deadlines of February 20, 2015 for the Applicant to correct the mapping and notice deficiencies and March 20, 2015 for Staff to respond to Applicant's corrected application.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Shelah J. Cisneros  
Managing Attorney  
Legal Division



Christina Mann  
Attorney-Legal Division  
State Bar No. 24041388  
(512) 936-7377  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 43895**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the January 16, 2015, in accordance with P.U.C. Procedural Rule 22.74.

  
Christina Mann, Attorney

## **PUC Interoffice Memorandum**

---

**To:** Chrissy Mann, Attorney  
Legal Division

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

**From:** Elisabeth English, Engineering Specialist  
Water Utilities Division

**Date:** 01/15/2015

**Subject:** Docket No. 43895, Application of Concho Rural Water Corporation, to amend its water Certificate of Convenience and Necessity (CCN) in Tom Green County

Concho Rural Water Corporation (Applicant), filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11361 in Tom Green County, pursuant to Texas Water Code (TWC) §§ 13.242 thru §13.250 and PUC Subst. R in Chapters §§24.101 thru 24.107. The application was received by the Public Utility Commission (PUC) on December 1, 2014. Order No. 1 required commission staff to file comments regarding the administrative completeness and status of filing.

Due to limited Staff resources to review mapping materials Staff requested an extension until January 16, 2015 to review the application, public notice and mapping. The Applicant did not oppose this request.

Based upon a review of the application, it is recommended that the Applicant cure mapping related deficiencies. The applicant did not provide a metes and bounds map certified by a licensed state or registered professional land surveyor. The copy of the metes and bounds description provided does not show a complete certified seal from the registered professional land surveyor.

1. Provide a detailed map delineating the proposed service area with enough detail to accurately locate the proposed area within Tom Green County. We suggest providing a revised, scaled map showing the proposed facility line with nearby streets, roads and highways; similar to the map and proposed area shown on the applicant's "Landowners Address Map".
2. Provide a scaled metes and bounds map clearly labeling the proposed service area (or facility line) that is certified by a licensed state or registered professional land surveyor; or projectable digital data including either a projection file for shapefile data or world file for AutoCAD-DWG data. If submitting digital data, the proposed area (or facility line) should be in a single polyline or polygon record, clearly labeled as the proposed area. The data disc must be labeled with the applicant's name and the docket number.
3. Provide a legible copy of the metes and bounds description with a complete certified seal from the registered professional land surveyor.

Additionally, it is recommended that the following application deficiencies be cured:

1. Provide a complete list of neighboring entities within in a 2 mile radius of the proposed water service area (or facility line) including all utilities, districts, groundwater conservation districts, counties, and cities and their ETJ's who are required to receive notice.
2. Provide a copy of the Articles of Incorporation and By-Laws of Concho Rural Water Corporation, the corporations charter number as recorded with the Office of the Texas Secretary of State, the identity of all board members (including the name, address, telephone number and titles), and a copy of the corporations Certificate of Account Status from the Texas Comptroller of Public Accounts (Section 1C).
3. Include a statement explaining the effect of granting the CCN amendment (Section 5G).
4. Provide the most recent TCEQ inspection report for the seven (7) public water systems (PWS) listed on the application that are operated under CCN No. 11361 (Section 5A). It was indicated on the application cover letter that an inspection report was provided, but the filed documentation does not appear to have this attachment included. It is important that staff review this documentation to determine if the Applicant is providing a safe and adequate water supply to current customers.
5. The Applicant provided a request for service from one customer; however, the application suggests that the proposed connection count is twenty-five (25). Section 5D states that the "proposed number should reflect the information presented" and "reflect the number of service requests identified". Staff requests further information supporting the proposed 25 connections.

The Applicant is seeking approval from the Texas Commission on Environmental Quality (TCEQ) for construction the proposed water line. Staff requests that the application be supplemented with the Plans and Specifications Approval letter from TCEQ, as requested in the application (Section 4E).