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DOCKET NO. 44267

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PUBLIC UTILITY COMMISSION

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APPLICATION OF DOUBLE
DIAMOND DBA THE CLIFFS
RESORT TO OBTAIN OR AMEND A
WATER/SEWER CERTIFICATE OF
CONENIENCE AND NECESSITY IN
PALO PINTO COUNTY

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STAFF'S RESPONSE TO ORDER NO. 1- RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS OF APPLICATION, NOTICE AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 1- Recommendation on Administrative Completeness of Application, Notice and Proposed Procedural Schedule and would show the following:

I. BACKGROUND

On January 13, 2015, Double Diamond d/b/a The Cliffs Resort (Double Diamond) filed an application to amend its water and sewer certificates of convenience and necessity (CCN) in Palo Pinto County, Texas. Double Diamond seeks to amend its CCNs to include an area developed subsequent to the original development and where services are already provided.

On January 20, 2015, Order No. 1 was issued, requiring Staff to file comments on the administrative completeness of the application, proposed notice, and a procedural schedule by February 12, 2015. Therefore, this response is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memo (Attachment A) from Mary Lupo, in the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found administratively incomplete pursuant to 16 TAC § 24.105.

Staff identified deficiencies in the application, mapping requirements, and proposed notice submitted by the Applicant. Specifically, Applicant failed to include all necessary documentation in the application as required by 16 TAC § 24.105. Further, the maps submitted by Applicant do not clearly delineate the proposed service areas with enough detail to accurately

locate them in the vicinity of major and minor streets, highways, roads, and other topographic features as required by 16 TAC §§ 24.105, 24.106 and 24.119. Finally, Applicant's notice to neighboring entities was insufficient as required by 16 TAC §§ 24.105 and 24.106. Staff recommends that Applicant *should not* publish notice until their maps and 2-mile list of entities have been reviewed and approved by CCN mapping staff and Commission Order. Applicant may contact mapping staff for mapping and notice related guidance.

Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the application, mapping requirements and proposed notice are administratively complete. Staff has identified deficiencies in the application and, therefore, recommends that the application package be found administratively incomplete pursuant to TEX. WATER CODE ANN. Subchapter G and Title 30, TEX. ADMIN. CODE (30 TAC) Subchapter G.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively incomplete due to deficiencies in the application, mapping information, and proposed notice supplied by the Applicant.

Staff recommends that the Applicant be given thirty days to cure the deficiencies identified in Attachment A. Staff proposes a deadline of April 2, 2015 for Staff to provide a recommendation on administrative completeness and to propose a procedural schedule.

IV. CONCLUSION

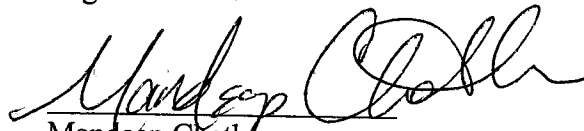
Staff respectfully requests that the ALJ issue an order consistent with this Response.

DATE: February 12, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

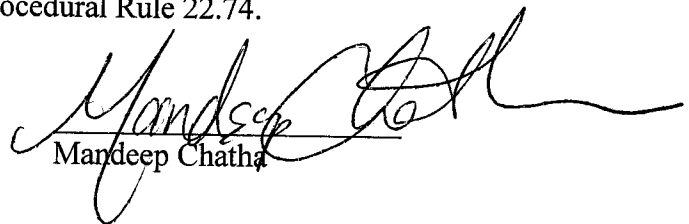


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the February 12, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Mandeep Chatha

Attachment A

PUC Interoffice Memorandum

To: Mandeep Chatha
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

Tracy Harbour, GIS Specialist
Water Utilities Division

From: Mary Lupo Utility Rates Analyst/Auditor
Water Utilities Division

Date: February 11, 2015

Subject: Staff Recommendation for Docket No. 44267

On January 13, 2015, Double Diamond DBA The Cliffs Resort (Applicant) filed an application with the Public Utility Commission (PUC) to amend water and sewer Certificates of Convenience and Necessity (CCN) Nos. 12087 and 20705 in Palo Pinto County. The application was filed under the P.U.C. SUBST. RS. §§24.102 - 24.107.

Based on review of the information in the application and the applicable laws and rules, I recommend that the application be deemed insufficient for filing. I further recommend the Applicant be ordered to correct the following deficiencies:

1. Provide proof that the 2014 regulatory assessment fees have been paid to the Texas Commission on Environmental Quality (TCEQ).
2. Provide the name(s) and the respective percentage of ownership in the corporation.
3. Mapping deficiencies.

The Applicant has not satisfied the mapping requirements as listed on page 5 of the CCN amendment application and as required in the P.U.C. SUBST. RULES, Chapter 24. To cure the mapping deficiencies, I recommend that Applicant submit the following:

1. A complete list of neighboring entities within a 2-mile radius of the proposed water and sewer service areas including utilities (CCNs), districts, counties, ground water conservation districts, cities and their ETJ's and any other entities required to receive notice.
2. An updated large scale map of the proposed water and sewer service areas clearly delineating the proposed service areas with enough detail to accurately locate them in the vicinity of major and minor streets, highways, roads and other topographic features.
 - a. Maps must only show the proposed water and sewer service areas, not the existing service areas.

- b. The proposed service areas provided on maps must delineate the same service areas in a digital format.
3. An overlap was identified between the proposed water service area and the existing water CCN for Possum Kingdom WSC (CCN No. 12890). If the applicant is unable to obtain an agreement for dual certification or decertification, the Applicant must submit revised maps and digital data for the proposed water service area to remove the overlap with CCN No. 12890. To resolve this overlap, the Applicant may either:
 - a. Remove the overlap with the existing water CCN for Possum Kingdom WSC (CCN No. 12890); or
 - b. Submit an agreement between the Applicant and CCN No. 12890 allowing for dual certification; or
 - c. Submit an agreement between the Applicant and CCN No. 12890 to allow for decertification of a portion of Possum Kingdom WSC.
4. Submit revised digital data only delineating the proposed water and sewer service areas requested with this application. Staff is unable to use digital data with the projection information provided.

Applicant should not notice until permitted to do so by PUC Order.