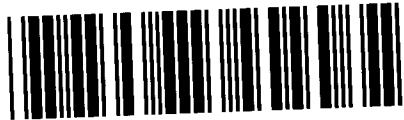


Control Number: 44695



Item Number: 5

Addendum StartPage: 0

RECEIVED

APPLICATION OF CRYSTAL CLEAR WATER SUPPLY CORPORATION FOR A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COMAL COUNTY	§	PUBLIC UTILITY COMMISSION OF TEXAS PUBLIC UTILITY COMMISSION FILING CLERK
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 1

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 1, and would show the following:

I. BACKGROUND

On May 1, 2015, pursuant to, Crystal Clear Water Supply Corporation (Crystal Clear or Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to obtain a new sewer certificate of convenience and necessity (CCN) in Comal County, Texas pursuant to Tex. Water Code Ann. §13.242.

Order No. 1 allowed Staff until June 1, 2015 to file comments on the sufficiency of the Application and notice and to propose a procedural schedule. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Staff finds that the Application is deficient, and recommends that the Applicant be given time to cure these deficiencies. The attached memorandum (Attachment A) of Sean Scaff of the Water Utilities Division notes that the Applicant has not satisfied the requirements of 16 Texas Administrative Code §§ 24.105(a)(3) and 24.106(b)(1) (16 TAC). Therefore, Staff recommends the Applicant be given until June 12, 2015 to cure the noted deficiencies, or Staff may request dismissal. Staff proposes that it file a status update or recommendation on sufficiency and procedural schedule on this matter by July 3, 2015.

III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



Christina R. Switzer
Attorney-Legal Division
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Public Utility Commission of Texas
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P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44695

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the June 1, 2015 in accordance with P.U.C. Procedural Rule 22.74.


Christina R. Switzer

ATTACHMENT A

PUC Interoffice Memorandum

To: Christina Switzer
Legal Division

Thru: Tammy Benter, Director
Water Utility Division

From: Sean Scaff, Engineering Specialist
Suzanne Bert, GIS Specialist
Water Utility Division

Date: May 29, 2015

Subject: **Docket No. 44695**, Application of Crystal Clear Water Supply Corporation to obtain a sewer Certificate of Convenience and Necessity in Comal County, Texas.

On May 1, 2015, Crystal Clear Water Supply Corporation (Applicant) filed an application to obtain a sewer fCertificate of Convenience and Necessity (CCN) in Comal County, Texas. This application is being reviewed pursuant to Texas Water Code §§ 13.242-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-24.107 (TAC).

Based on a review of the information in the application, the application and notices are deficient in the required information, specifically 16 TAC §§ 24.105(a)(3) and 24.106(b)(1). Staff recommends that the application be deemed insufficient for filing and found administratively incomplete. In order to cure the deficiency, Staff recommends the Applicant provide the following information:

1. Provide the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service.
2. Provide a list of neighboring utilities, districts, and any other entities providing the same type of service within a 5-mile boundary from each proposed service area. This is a requirement of new sewer CCN applications pursuant to 16 TAC § 24.106(b)(1). The Applicant provided mapping and notice information for systems within a 2-mile radius of the proposed location.
3. Provide a list of counties and ground control districts that the proposed area falls within.
4. Provide a CD with projected digital data for maps submitted by the Applicant identified as Map 1 and Map 2. This is needed to verify positioning of the proposed area which was placed based on the metes & bounds provided.

Staff recommends that the Applicant should not publish notice until it is deemed sufficient and approved by Commission Staff.

Additional item to address during technical review

The item mentioned below is not required for public notice, but the Applicant must address this issue for Commission Staff to complete the technical review of the application.

1. PUC records show that the Applicant is currently delinquent in regards to paying the Texas Commission on Environmental Quality's regulatory assessment fees pursuant to TWC §5.701(n)(1). These fees will need to be paid in full in order to complete the technical review of the application.