



Control Number: 44963



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 44963

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**APPLICATION OF TWIN LAKES
WATER SUPPLY FOR A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN TARRANT
COUNTY**

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK

OF

TEXAS

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 3
RECOMMENDATION 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. 3. In support thereof, Staff shows the following:

I. BACKGROUND

On July 22, 2015, Twin Lakes Water Supply (Twin Lakes or Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to obtain a new water certificate of convenience and necessity (CCN) in Tarrant County, Texas.

Order No. 3 deemed the Application sufficient and instructed the Applicant to issue notice. The Applicant provided proof of notice. Order No. 3 allowed Staff until January 5, 2016 to file a recommendation and/or an additional procedural schedule.

II. RECOMMENDATION

As noted by the Memorandum of Heidi Graham of the Water Utilities Division (Attachment A), the Applicant has not provided sufficient proof of notice and needs to submit another affidavit. Attachment A also notes that regarding the technical review, Staff has concerns

about whether the TCEQ has approved its well. Staff recommends the Applicant submit documentation to the Commission to alleviate this concern.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to submit affidavit of notice	February 5, 2016
Deadline for Staff to file an additional procedural schedule and/or make a supplemental recommendation	March 22, 2016

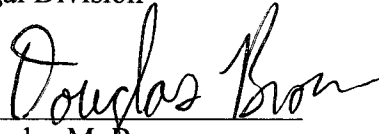
IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

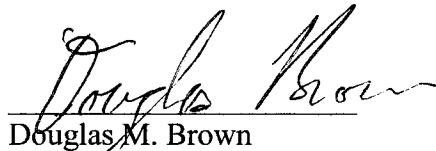
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on or before
January 5, 2016 in accordance with 16 TAC § 22.74.


Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Doug Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utilities Division

From: Heidi Graham, Engineering Specialist
Water Utilities Division

Date: January 4, 2016

Subject: **Docket No. 44963**, *Application of Twin Lakes Water Supply, to Obtain a Water Certificate of Convenience and Necessity in Tarrant County, Texas*

On July 22, 2015, Twin Lakes Water Supply (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) in Tarrant County, Texas. The application is being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 - 24.107.

The Applicant filed an affidavit of notice to neighboring utilities and affected parties on December 7, 2015. Staff reviewed the affidavit and found that Aqua Texas was not included in the list of entities who were provided notice. Staff called the Applicant and was told that the Applicant noticed Aqua Texas, but failed to include them on the affidavit of notice. Staff recommends that the Applicant add Aqua Texas to the affidavit and refile it with the Commission.

In addition, it is Staff's opinion that the Applicant has not demonstrated adequate technical capability to provide service to the area proposed for certification. TWC § 13.246(c) requires the Commission to consider nine criteria when granting or amending a CCN. In regard to the Applicant's capability to serve the proposed area, Staff has a concern with the following criteria:

- **TWC § 13.246(c)(1) requires the Commission to consider the adequacy of service currently provided to the requested area and TWC § 13.246(c)(4) requires the Commission to consider the ability of the applicant to provide adequate service.**

Per TCEQ, the Applicant has an active violation for lack of well records. The Applicant received approval for construction of their wells but did not receive approval for use of their wells. In order for the Applicant to meet the requirements of TWC § 13.246(c)(1) and (c)(4), Staff recommends that the Applicant submit their well completion information to TCEQ in order to receive approval to use their wells.