

Control Number: 45001



Item Number: 4

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DOCKET NO. 45001

APPLICATION OF RANCH §  
COUNTRY OF TEXAS, INC. TO §  
AMEND A WATER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN AUSTIN COUNTY §

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PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1**

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

**I. Background**

On August 3, 2014, Ranch Country of Texas, Inc. (Ranch Country) filed an application amend its water Certificate of Convenience and Necessity (CCN) No. 12918 in Austin County (Application). On August 6, 2015, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments on the administrative completeness of the application and proposed notice by September 3, 2015. Therefore, this Response is timely filed.

**II. Staff's Comments on Administrative Completeness and Notice**

As detailed in the attached memorandum of Patricia Garcia and Tracy Montes, in the Commission's Water Utilities Division, Staff has reviewed the Application and recommends that the Application be found administratively incomplete pursuant to 16 Tex. Admin. Code § 24.105 (TAC).

Staff identified deficiencies in the Application and mapping requirements submitted by Ranch Country. Specifically, Ranch Country failed to provide a list of neighboring entities, including districts, utilities, cities and their extraterritorial jurisdiction, within 2 miles of the proposed water service area required to receive notice of the Application. This list should also include groundwater conservation districts and counties the proposed service area is located in. Further, the maps submitted by Ranch Country are inadequate and do not meet the mapping standards as required by the Commission's prescribed form for an application to amend a CCN. Staff recommends Ranch Country be required to provide a general location map only showing the proposed water service area with enough detail to accurately locate the proposed service area within the nearest city, town, or county. Ranch Country should also be required to provide a

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large scale map showing only the proposed water service area with enough detail to accurately locate the proposed service area in the vicinity of surrounding roads, streets, and highways. Staff further recommends Ranch Country be required to submit digital data for the proposed service area including projection or coordinate system information used to create the digital data.

Staff also reviewed the proposed notice provided by Ranch Country. Ranch Country should not mail or publish the provided proposed notice until the maps and 2-mile list of entities have been reviewed and approved by the Commission. 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 be deemed administratively incomplete pursuant to 16 TAC §§ 24.105 and 24.106.

### **III. Proposed Procedural Schedule**

Due to the deficiencies in the Application, Staff does not recommend a procedural schedule for the evaluation of the merits of the Application at this time. Staff recommends that Ranch Country be given until **October 5, 2015** to cure deficiencies identified by Staff. Staff proposes a deadline of **November 5, 2015** for Staff to file additional comments regarding administrative completeness, along with a proposed procedural schedule if deemed administratively complete.

### **IV. Conclusion**

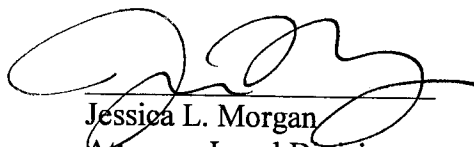
Staff respectfully requests the entry of an order consistent with this Response.

**Dated: September 3, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

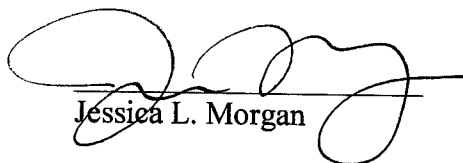


Jessica L. Morgan  
Attorney-Legal Division  
State Bar No. 24079023  
(512) 936-7229  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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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 September 3, 2015 in accordance with 16 TAC § 22.74.



Jessica L. Morgan

## PUC Interoffice Memorandum

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**To:** Jessica Morgan  
Legal Division

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

**From:** Patricia Garcia, Staff Engineer  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Date:** September 1, 2015

**Subject:** *Docket 45001, Application of Ranch Country of Texas, Inc. to Amend a Certificate of Convenience and Necessity (CCN) in Austin County*

On August 3, 2015, Ranch Country of Texas, Inc. (Ranch Country) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12918 in Austin County, Texas, pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§24.101 to 24.107.

Ranch Country is developing Settlers Crossing Subdivision Section 2 with approximately 49 residential lots. The current system (Settlers Crossing Water System) is nearing capacity and Ranch Country proposes to add another water system to service the new lots. A copy of the plans submitted to TCEQ were included in the submittal. Ranch Country should supplement the application filing with a copy of the TCEQ's approval letter once it is received from TCEQ.

A Staff review of the above referenced application, found that it is deficient in the required application and mapping information pursuant to 16 TAC § 24.105; therefore, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete. Further, Staff recommends Ranch Country address the following:

### **Application Content**

1. Provide a list of neighboring entities who must receive notice including any districts, utilities, cities and their extraterritorial jurisdiction located within a 2-mile buffer of the proposed water service area. Ranch Country must also provide a list of the groundwater conservation districts and counties the proposed service area falls within.

## **Mapping Content**

1. Provide a general location (small scale) map only showing the proposed water service area with enough detail to accurately locate the proposed service area within the nearest city, town or county.
2. Provide a large scale (detail) map only showing the proposed water service area with enough detail to accurately locate the proposed service area in the vicinity of surrounding roads, streets, and highways.
3. Submit digital data for the proposed water service area including projection or coordinate system information used to create the file.
  - a. If submitting an AutoCAD drawing (DWG) file of the proposed service area, please include a text (TXT) file. The digital data should be in a single continuous polyline or polygon record, clearly labeled as the proposed area.
  - b. If submitting a shapefile (SHP), please include the projection (PRJ) file. The digital data should be in a single record that is clearly labeled in the digital file.
  - c. Please label the data disk (CD) with the utility name and the docket number assigned to the application.