



Control Number: 45226



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 45226

**APPLICATION OF ROCKY CREEK
MANOR SUBDIVISION FOR EXEMPT
UTILITY REGISTRATION**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2015 OCT -2 11:10:30

FILED

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 Commission Staff's Response to Order No. 1, and would show the following:

I. BACKGROUND

On October 7, 2015, Rocky Creek Manor Subdivision (Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) for exempt utility registration pursuant to Texas Water Code § 13.242(c) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC). In Order No. 1, issued October 8, 2015, Staff was given a deadline of November 6, 2015, to file comments on the administrative completeness of the application, on how the application should be processed, and to propose a procedural schedule if necessary. This pleading is therefore timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS AND NOTICE

Staff has reviewed the Application, and, as supported by the attached memorandum (Attachment A) of Andrew Novak, Financial Analyst, and Kristy Nguyen, GIS Specialist with the Water Utilities Division, Staff has concluded that the Application does not provide the information required to satisfy the requirements of TWC § 13.242 and 16 TAC § 24.103. Therefore, Staff recommends that the Application be deemed deficient. Attachment A provides instructions on how the Applicant may improve its next filing. Staff recommends that the Applicant be allowed until December 11, 2015 to cure the noted deficiencies, and that Staff be allowed until January 15, 2016 to file a supplemental recommendation.

III. CONCLUSION

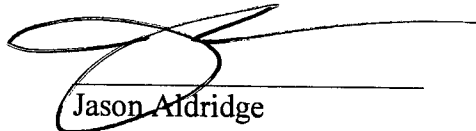
Staff respectfully requests the Administrative Law Judge issue an order consistent with the above recommendations.

DATED: November 2, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Katherine Lengieza Gross
Managing Attorney
Legal Division

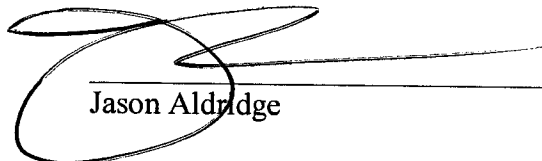


Jason Aldridge
Attorney-Legal Division
State Bar No. 24089911
(512) 936-7255
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 45226

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 2, 2015, in accordance with 16 TAC § 22.74.



Jason Aldridge

Attachment A

PUC Interoffice Memorandum

To: Jason Aldridge
Legal Division

Thru: Lisa Fuentes, Work Leader
Water Utilities Division

From: Andrew Novak, Financial Analyst
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: October 22, 2015

Subject: Docket No. 45226, *Application of Rocky Creek Subdivision for Exempt Utility Registration*

On October 7, 2015, Rocky Creek Manor (Applicant) filed with the Public Utility Commission of Texas (Commission) an application for exempt utility registration pursuant to Texas Water Code § 13.242(c) and 16 Tex. Admin. Code § 24.103(d) (TAC). The Applicant asserts that there is twelve (12) active water connection and the potential for two (2) future connections.

Mapping

Staff has determined that there are material deficiencies with the application content and the Applicant has not satisfied the mapping requirements to determine if the proposed service area meets the requirements of P.U.C. SUBST. R. 24.103(d)(1). Staff recommends the application be deemed insufficient for filing and further recommends the Applicant provide the following

1. A large scale map only delineating the proposed service area with enough detail to accurately locate the proposed service area in the vicinity of surrounding roads, streets highways, and natural landmarks.
2. Submit A or B as detailed below:
 - A. Submit digital data only including the proposed water service area in either a drawing (DWG) OR shapefile (SHP) format on a data disk (CD)
 - I. For .dwg files:
 - a. digital data must be a single, continuous polyline or polygon record; and
 - b. include a world (.wld) file or text file with the coordinate system; and
 - c. the CD must be labeled with the utility name and docket number assigned, if applicable.
 - II. For .shp files:
 - a. digital data must be a single, continuous polyline or polygon record; and
 - b. include the projection (.prj) file; and
 - c. the CD must be labeled with the utility name and docket number assigned, if applicable.

- B. Submit a survey plat map with corresponding metes and bounds (legal description) certified by a licensed state or registered professional land surveyor.
3. Staff has determined that the subdivision overlaps completely with Central Washington County WSC (CCN 12177). Criteria for exempt registration in §24.103(d)(1)(C) prohibits the Applicant's proposed area from being located within the certificated area of another retail public utility. In order to continue processing this application, the area subject to this application will need to be decertified from Central Washington County WSC's CCN service area.