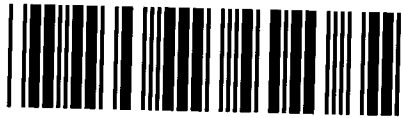


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DOCKET NO. 45905

APPLICATION OF VENCOREX US, INC. §  
FOR EXEMPT UTILITY §  
REGISTRATION §

RECEIVED  
2015 MAY 31 11:10:59  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON THE SUFFICIENCY OF THE APPLICATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Recommendation on the Sufficiency of the Application. In support thereof, Staff shows the following:

**I. BACKGROUND**

On April 29, 2016, Vencorex US, Inc. (Vencorex) 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). On May 3, 2016 the Administrative Law Judge (ALJ) ordered Staff to file comments regarding the administrative completeness of the application, and propose a procedural schedule, if necessary, by May 30, 2016. May 30, 2016 was a holiday and the Commission was not open.<sup>1</sup> This pleading is therefore timely filed.

**II. JURISDICTION AND LEGAL AUTHORITY**

The Texas Water Code (TWC) permits the Commission to allow a utility to operate without a Certificate of Convenience and Necessity in certain situations:

The utility commission may by rule allow a municipality or utility or water supply corporation to render retail water service without a certificate of public convenience and necessity if the municipality has given notice under Section 13.255 that it intends to provide retail water service to an area or if the utility or water supply corporation has less than 15 potential connections and is not within the certificated area of another retail public utility.

TWC § 13.242(c). The Commission has promulgated the following requirements under the 16 TAC § 24.103(d)(1):

A utility or water supply corporation is exempt from the requirement to possess a certificate of convenience and necessity in order to provide retail water service if it:

(A) has less than 15 potential service connections;

<sup>1</sup> 16 TAC § 22.4(a)

- (B) is not owned by or affiliated with a retail public utility or any other provider of potable water service;
- (C) is not within the certificated area of another retail public utility; and
- (D) is not within the corporate boundaries of a district or municipality unless it receives written authorization from the district or municipality.

### **III. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS OF THE APPLICATION**

Staff has reviewed Vencorex's application and, as supported by the attached memorandum of Mary Lupo and Gary Horton of the Water Utilities Division, Staff recommends that the application be found administratively complete. The information contained in the application is sufficient for Staff to continue its review and make a recommendation on whether Vencorex satisfies the requirements of TWC § 13.242(c) and 16 TAC§ 24.103(d)(1).

### **IV. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Staff provides final map, tariffs and consent form to the applicant	June 30, 2016
Deadline for applicant to consent to final map, tariffs and consent form	July 14, 2016

### **V. CONCLUSION**

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

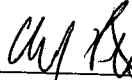
Dated: May 31, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**DOCKET NO. 45905**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 31, 2016 in accordance with 16 TAC § 22.74.



## PUC Interoffice Memorandum

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**TO:** Alexander Petak, Attorney  
Legal Division

**Through:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Water Utilities Division

**From:** Mary Lupo, Utility Rates Analyst/Auditor  
Gary Horton, GIS Specialist  
Water Utilities Division

**Date:** May 20, 2016

**Subject:** Docket No. 45905, *Application of Vencorex US, Inc. for Exempt Utility Registration*

On April 29, 2016, Vencorex US, Inc. (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 one (1) active water connection and the potential for two (2) connections.

Staff reviewed the application and mapping information filed by the Applicant and has found it to be sufficient. Therefore, Staff recommends that the application be deemed sufficient for filing.