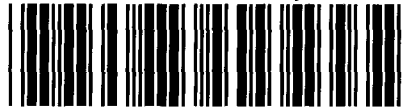


Control Number: 45988



Item Number: 18

Addendum StartPage: 0

RECEIVED

APPLICATION OF OLD TAMINA
WATER SUPPLY CORPORATION TO
OBTAIN A SEWER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN MONTGOMERY COUNTY §

§ PUBLIC UTILITY COMMISSION
§
§
§ OF TEXAS
§

FEB 17 AM 10:08
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION REGARDING
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) representing the public interest and files this Supplemental Recommendation Regarding Administrative Completeness. In support thereof, Staff shows the following:

I. Background

On May 15, 2013, Old Tamina WSC filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12289 for a dual certification with the City of Shenandoah (Shenandoah) and obtain a new sewer CCN in Montgomery County with the Texas Commission on Environmental Quality (TCEQ).¹ On May 27, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 granting Old Tamina WSC's Motion to Sever the application to obtain a sewer CCN from the water CCN application for dual certification.

On October 24, 2016, Staff filed a recommendation regarding administrative completeness and a motion to consolidate. On January 9, 2017, the ALJ issued Order No. 6 requiring Old Tamina WSC to amend its application to cure deficiencies identified by Staff on or before January 31, 2017. On January 31, 2017, Old Tamina WSC filed its Response to Order No. 6, including revised maps but not the required consent from Shenandoah. Old Tamina indicated that Old Tamina and Shenandoah agreed that Shenandoah City Council would vote on a settlement proposal submitted by Old Tamina at the City Council Meeting scheduled for February 8, 2017. Order No. 6 also required Staff to file comments regarding administrative completeness, along with a proposed procedural schedule by February 17, 2017. Therefore, this pleading is timely filed.

¹ Application of Old Tamina Water Supply Corporation to Amend Its Water Certificate of Convenience and Necessity for Dual Certification with the City of Shenandoah, Docket No. 45552.

II. Staff's Supplemental Recommendation on Administrative Completeness

Staff has reviewed the supplemental materials filed by Old Tamina WSC and recommends that the application be found administratively incomplete pursuant 16 Tex. Admin. Code §§ 24.105–.106 (TAC). Specifically, Old Tamina has not complied with Order No. 6 and failed to provide the required written consent from Shenandoah for dual certification for the proposed sewer service area. In its Response to Order No. 3, Old Tamina WSC clarified that it is seeking dual certification for the portions of its proposed sewer service area that overlap with Shenandoah's CCN No. 21025.² Pursuant to 16 TAC § 24.105(a)(13), an applicant must provide a copy of the agreement between the utilities for dual certification.

Staff's review of CCN applications is a meticulous, time intensive practice, and Staff has limited resources. Old Tamina has the burden of providing the required information with its application in a timely manner and has failed to do so. Processing of the application cannot proceed until the requested consent is received and reviewed. Staff recommends that the ALJ issue an order in which Old Tamina is required to provide the necessary written consent from Shenandoah for dual certification for the proposed sewer service area no later than March 3, 2017. Staff preserves its motion to consolidate and recommends that the ALJ require Staff to provide a supplemental recommendation on the administrative completeness of the application by April 18, 2017. If Old Tamina does not file the required written consent from the City of Shenandoah for dual certification for the proposed sewer service area by March 3, 2017, Staff reserves the right to move to dismiss this proceeding, without prejudice, pursuant to 16 TAC § 22.181(d)(7).

² Old Tamina WSC's Response to Order No. 3 at 5.

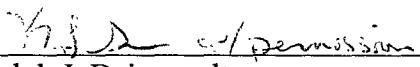
Dated: February 17, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

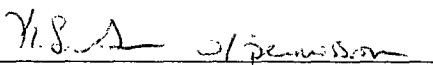


Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
ralph.daigneault@puc.texas.gov

DOCKET NO. 45998

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 17, 2017, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault