

Control Number: 45988



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

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PUBLIC UTILITY COMMISSION

2017 JUN 16 PM 2:39

OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION FINDING
APPLICATION ADMINISTRATIVELY INCOMPLETE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) representing the public interest and files this Supplemental Recommendation Finding Application Administratively Incomplete. 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 April 19, 2017, the ALJ issued Order No. 8 finding the application incomplete and deficient and requiring Old Tamina WSC to provide the required revised mapping on or before May 18, 2017. On May 18, 2017, Old Tamina WSC filed revised mapping data. Order No. 8 also required Staff to file comments regarding administrative completeness, along with a proposed procedural schedule, within 30 days of Old Tamina WSC's supplemental filing. Therefore, this pleading is timely filed.

II. Staff's Supplemental Recommendation on Administrative Completeness

Staff has reviewed the supplemental materials filed by Old Tamina WSC and again recommends that the application be found administratively incomplete pursuant 16 Tex. Admin.

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.

Code §§ 24.105–.106 (TAC). Specifically, Old Tamina WSC's data disk did not contain digital mapping data; therefore, Staff cannot evaluate the proposed sewer CCN service area. . In order to cure the remaining mapping deficiencies, Staff recommends that Old Tamina WSC provide the following:

- Revised digital mapping data for the proposed sewer CCN service area accurately removing the overlap with Chateau Wood MUD's existing sewer CCN No. 20937. The data should be filed as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters).

Staff's review of CCN applications is a meticulous, time intensive practice, and Staff has limited resources to process this kind of application. Old Tamina WSC 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 mapping documentation is received and reviewed. Staff recommends that Old Tamina WSC provide the mapping items listed above by July 14, 2017. Staff further recommends that its supplemental recommendation on the administrative completeness of the revised application be filed within 30 days of Old Tamina WSC's supplemental filing.

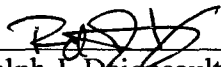
Dated: June 16, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 45998

CERTIFICATE OF SERVICE

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



Ralph J. Daigneault

PUC Interoffice Memorandum

TO: Ralph Daigneault, Attorney
Legal Division

THRU: Lisa Fuentes, Manager
Water Utility Division

FROM: Debbie Reyes Tamayo, Program Specialist
Water Utility Division

DATE: June 16, 2017

SUBJECT: **Docket No. 45988**, *Application of Old Tamina Water Supply Corporation to Obtain a Sewer Certificate of Convenience and Necessity in Montgomery County (37616-C)*

On May 13, 2013, Old Tamina Water Supply Corporation (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain a sewer CCN in Montgomery County, pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), §§ 291.101 – 291.107. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed pursuant to 16 TAC §§ 24.101 – 24.107.

In response to Order No. 8, Staff reviewed the mapping documentation filed on May 18, 2017, and found it deficient. The Applicant's data disk did not contain digital mapping data; therefore, Staff cannot evaluate the proposed sewer CCN service area.

Staff recommends the Applicant file the following item to resolve the remaining mapping deficiency:

- Revised digital mapping data for the proposed sewer CCN service area accurately removing the overlap with Chateau Wood MUD's existing sewer CCN No. 20937. The data should be filed as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters).