



Control Number: 46148



Item Number: 5

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PETITION OF LAS COLINAS SAN MARCOS PHASE I LLC TO AMEND CRYSTAL CLEAR SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN HAYS COUNTY BY EXPEDITED RELEASE	§ § § § § § §	<div style="text-align: right;">2016 JUL 28 PM 2:05</div> PUBLIC UTILITY COMMISSION OF TEXAS <small>PUBLIC UTILITY COMMISSION FILING CLERK</small>
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**COMMISSION STAFF'S RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness in response to Order No. 1. In support thereof, Staff would show the following:

I. BACKGROUND

On July 11, 2016, Las Colinas San Marcos Phase I LLC (Las Colinas or Petitioner) filed with the Public Utility Commission of Texas (Commission) a petition for expedited release of approximately 79.964 acres from Crystal Clear Special Utility District's (Crystal Clear SUD) water certificate of convenience and necessity (CCN) number 10297 in Hays County. The petition was filed pursuant to Tex. Water Code § 13.254 (a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC). On July 15, 2016, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file comments on administrative completeness of the petition and notice by August 11, 2016. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

As an alternative to decertification, a landowner is permitted to petition the Commission for an expedited release of land from a CCN.¹ Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(r), the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer services may petition for expedited release of the area from a CCN and is entitled to that

¹ See generally, TWC § 13.254(a-1), (a-5); 16 TAC § 24.113(b), (r).



release if certain conditions are satisfied.² The commission must render a decision on a petition for expedited release “not later than the 60th day after the date the landowner filed the petition.” However, a petition is not considered filed until it is deemed administrate complete.

Staff has reviewed Las Colinas’ petition, and based on the attached memorandum of Leila Guerrero and Kristy Nguyen of the Commission’s Water Utility Regulation Division, Staff recommends the petition be found administratively complete. The maps and digital data submitted by the Petitioner provide adequate information for Staff to continue its review of the petition and make a recommendation on whether it satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(r). Specifically, the Petitioner provided information that enables Staff to determine whether the tract of land located within the subject property is at least 25 acres and is owned by one property owner. Additionally, as required under 16 TAC § 24.113(s), the Petitioner filed proof that a copy of the petition was sent via certified mail to Crystal Clear SUD, the current holder of CCN No. 10297. Therefore, Staff recommends that Las Colinas’ petition be found administratively complete.

III. PROCEDURAL SCHEDULE

If the ALJ issues an order in accordance with Staff’s recommendation, Staff proposes the following procedural schedule:

Event	Date
Order regarding administrative completeness of Petition	Date of Order
Deadline for Crystal Clear SUD to file a Response	Seven (7) days from the date of the Order deeming the Petition administratively complete
Deadline for Staff’s final recommendation	Seven (7) days from the deadline for San Antonio Water System to file its Response
Deadline for Las Colinas to file a Reply to Crystal Clear SUD’s Response and to Staff’s final recommendation ³	Seven (7) days from the deadline for Staff to file its final recommendation

² *Id.*

³ Please note that a Reply must be limited to briefing and argument. Any additional proof will be deemed a new petition.

Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete
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IV. CONCLUSION

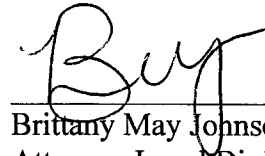
Staff respectfully requests that the ALJ issue an order finding Las Colinas' petition administratively complete, and adopting Staff's proposed procedural schedule.

Filed: July 28, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Katherine Lengieza Gross
Managing Attorney
Legal Division

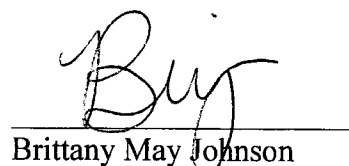


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DOCKET NO. 46148

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 28, 2016 in accordance with 16 TAC § 22.74.



Brittany May Johnson

PUC Interoffice Memorandum

To: Brittany Johnson, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Regulation Division

From Leila Guerrero, Regulatory Accountant/Auditor
Kristy Nguyen, GIS Specialist
Water Utility Regulation Division

Date: July 26, 2016

Subject: *Docket No. 46148, Petition by Las Colinas San Marcos Phase I LLC for Expedited Release from Crystal Clear Special Utility District's Water Certificate of Convenience and Necessity (CCN) by Expedited Release in Hays County*

On July 11, 2016, Las Colinas San Marcos Phase I LLC ("Petitioner"), filed a Petition for Expedited Release from water Certificate of Convenience and Necessity (CCN) No. 10297 held by Crystal Clear Special Utility District ("Crystal Clear SUD") in Hays, pursuant to Texas Water Code § 13.254 (a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC). The petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in a qualifying county.

The Petitioner submitted an adequate map delineating the requested area for decertification with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.113(r). The map and digital data are sufficient for determining the location of the requested release area within Crystal Clear SUD's certificated area. Staff was able to confirm the acreage of the total property, and determined that the tract is located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioner's ownership of the tract of land within the subject property. The area being requested for expedited release is approximately 79.964 contiguous acres of land. The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to Crystal Clear SUD, the current holder of CCN No. 10297.

The petition meets the criteria set forth in TWC §13.254 (a-5) and TAC §24.113(r). Therefore, Staff recommends that the petition be deemed sufficient for filing.