



Control Number: 47176



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APPLICATION OF LIBERTY UTILITIES	§	PUBLIC UTILITY COMMISSION OF TEXAS
(WOODMARK) CORP. TO AMEND A	§	
SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
SMITH COUNTY (BAKER	§	
PLANTATION)		

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PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S FIRST ADMINISTRATIVE COMPLETENESS RECOMMENDATION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Staff's First Administrative Completeness Recommendation. Staff recommends that the application be found deficient. In support thereof, Staff shows the following:

I. BACKGROUND

On May 16, 2017, Liberty Utilities (Woodmark) Corp. (Liberty) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20679 in Smith County, Texas. The total service area being requested includes approximately 51 acres and either 0 or 53 current customers.

On May 19, 2017, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file a recommendation on the administrative completeness of Liberty's application and the proposed notice by June 16, 2017. Therefore, this pleading is timely filed.

II. APPLICATION DEFICIENCY RECOMMENDATION

As detailed in the attached memorandum of Patricia Garcia of the Water Utilities Division, Staff has reviewed Liberty's application and recommends that it be found deficient. Liberty provided a 2013 inspection report from the Texas Commission on Environmental Quality (TCEQ), but a more recent 2017 TCEQ inspection report exists which Liberty must provide. Furthermore, the oath on page 12 of the application was left blank. Liberty must complete and sign this oath and have it notarized. Finally, Staff notes that Liberty's application indicates on page 7 that there are 53 current customers in the service area being requested, but the proposed notice attached to the application indicates by a blank that there are 0 current customers. Liberty must clarify how many current customers are in the requested area.

III. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff recommends that Liberty be given a deadline of July 14, 2017 by which to file a supplement addressing these issues. Staff further recommends a deadline of August 15, 2017 for Staff to provide a supplemental recommendation on the administrative completeness of the revised application.


Dated: June 16, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 47176

CERTIFICATE OF SERVICE

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



Ralph J. Daigneault

PUC Interoffice Memorandum

To: Ralph Daigneault, Attorney
Matthew Arth, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Patricia Garcia, Engineering Specialist
Water Utilities Division

Date: June 13, 2017

Subject: **Docket 47176, *Application of Liberty Utilities (Woodmark) Corp. to Amend a Sewer Certificate of Convenience and Necessity in Smith County (Baker Plantation)***

On May 16, 2017, Liberty Utilities (Woodmark) Corp. (Woodmark or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer CCN No. 20679 in Smith County, Texas pursuant to Tex. Water Code §§ 13.242 to 13.250 (TWC) and 16 Tex. Admin. Code §§ 24.101 to 24.107 (TAC). The total service area being requested includes approximately 51 acres and either 53 or 0 current customers.

Staff's review of the above referenced application found deficiencies in the required filing; therefore, Staff recommends that the application be deemed insufficient for filing and administratively incomplete. Staff further recommends the Applicant provide the following:

- 1) A copy of the most recent Texas Commission on Environmental Quality (TCEQ) inspection report. TCEQ's database indicates an inspection done in 2017 however, the report provided was from 2013;
- 2) The completed, signed, and notarized oath page from the application; and
- 3) Confirm the total number of current customers in the requested service area.