



Control Number: 47376



Item Number: 6

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PETITION OF PLAN Z, LLC TO CANCEL A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN TRAVIS COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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PUBLIC UTILITY COMMISSION
OF TEXAS

**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 support thereof, Staff would show the following:

I. BACKGROUND

On July 5, 2017, Plan Z, LLC (Plan Z) filed with the Public Utility Commission of Texas (Commission) an application to cancel its water certificate of convenience and necessity (CCN) No. 13080 in Travis County. After a planned subdivision never came to fruition, Plan Z never provided water service and was dissolved as a company in 2010.

On July 11, 2017, the Administrative Law Judge (ALJ) issued Order No. 1, requiring staff to file a recommendation on administrative completeness by August 4, 2017. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Debbie Reyes Tamayo of the Water Utilities Division, Staff reviewed the materials submitted by Plan Z and recommends that the application be deemed sufficient for filing and be found administratively complete.

III. NOTICE REQUIREMENTS

Staff has attached the notice the Applicants must provide to any districts, utilities, and cities within two miles of the proposed service area, the county judges of Travis County, each groundwater conservation district and city with an extraterritorial jurisdiction that is wholly or

partly included in the proposed area to be canceled. Staff further recommends that Applicants notify the entities identified in the attached memorandum.

Further, Staff has attached the affidavit the Applicants must sign and file with the Commission after providing notice in accordance with 16 TAC § 24.112(c). Additionally, the Applicants should provide an accurate map delineating the proposed area with each mailed notice. Staff recommends that Applicants publish notice once each week for two consecutive weeks in newspapers of general circulation in Travis County.

At this time, Staff recommends that the Applicants be allowed to proceed with providing notice for the proposed transaction and be given until June 29, 2017 to provide proof of notice to the Commission.

It is recommended that the Applicant use the attached notice and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file proof of notice with the Commission	September 18, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	September 25, 2017
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

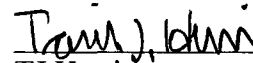
Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

Filed: August 4, 2017

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

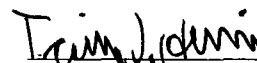


TJ Harris
Attorney-Legal Division
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Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 47376

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 4, 2017 in accordance with 16 TAC § 22.74.



TJ Harris

PUC Interoffice Memorandum

To: TJ Harris, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Debbie Reyes Tamayo, Program Specialist
Water Utilities Division

Date: August 4, 2017

Subject: **Docket No. 47376;** *Application of Plan Z, LLC to Cancel a Certificate of Convenience and Necessity in Travis County*

On July 11, 2017, Plan Z, LLC (Applicant) filed with the Public Utility Commission of Texas (Commission) an application requesting to cancel Plan Z, LLC's water Certificate of Convenience and Necessity (CCN) No. 13080 in Travis County, Texas. The application is being reviewed under Texas Water Code §13.254(d) (TWC) and Title 16 Tex. Admin. Code §§24.115 and 24.102(a)(1) (TAC).

Background

Cooper Alliance of Texas, Ltd. (dissolved in 2011) and Landmark Residential Holdings, Ltd. both owned by Steve Klein (AKA "They" in this memo) purchased 79.12 acres in Travis County, Texas at the corner of State highway 71 and Ross Road in 2005. At that time, Garfield Water Supply Corporation (Garfield) was to provide water service to the rural area. A 250 residential lot subdivision was designed; however, Garfield did not have the capacity for 250 additional home sites and Plan Z, LLC was created to provide water service. The subdivision was never built and the raw land was sold in 2010. Plan Z, LLC as a company was dissolved in 2010.

Staff has reviewed the information provided and recommends that the application be deemed administratively complete and sufficient for filing. Staff recommends the Applicant be directed to do the following.

- 1) Provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be Canceled;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be Canceled;
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County.

2) Provide notice of the application to the following entities:

- City of Austin (CCN No. 11322)
- Garfield WSC (CCN No. 11244)
- Hornsby Bend Utility Co (CCN No. 11978)
- Moores Crossing MUD
- Southeast Travis County MUD 2
- Travis County Judge

The Applicant must include a map showing the CCN area with the individual notices to neighboring utilities and other affected parties. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.

Lastly, the Applicant should file within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

NOTICE FOR PUBLICATION

NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF SEWER UTILITY SERVICE AND CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY IN TRAVIS COUNTY, TEXAS.

Plan Z, LLC filed a petition with the Public Utility Commission of Texas (PUC) to cease operations, discontinue providing sewer utility service, and to cancel Certificate of Convenience and Necessity No. 13080 in Travis County, Texas.

The proposed effective date of the action is upon approval by the PUC.

The requested area to be cancelled is located approximately 10 miles east southeast of downtown Austin, Texas, and is generally bounded on the north by US 71; on the east by Ross Rd; on the south by Saint Thomas Dr.; and on the west by Saint Thomas Dr.

There are no customers and no facilities in the requested area.

A copy of the map showing the requested area is available at: 404 Ball Airport Rd, Victoria, TX 77904

If you wish to protest or comment on this petition, you should notify the utility and must file your protest in writing with the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Ave, P.O. Box 13326, Austin, Texas 78711-3326 within (30) days of the date of this notice. Only those individuals who submit a written protest will receive notice if a hearing is scheduled.

Steve Klein
Utility Representative
361/572-4663

Lesley L. Smejkal
Utility Representative
361/572-4663

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

NOTICE FOR NEIGHBORING UTILITIES

NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF SEWER UTILITY SERVICE AND CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY IN TRAVIS COUNTY, TEXAS.

To: _____ Date Notice Mailed: _____, 2017
(Name of Neighboring System, or City)

(Address)

(City State Zip)

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Steve Klein
Utility Representative
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Lesley L. Smejkal
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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. 47376

STATE OF TEXAS

COUNTY OF _____

has provided individual notice to the following:

DATE

OATH

I, _____, being duly sworn, file this form
as

_____ (indicate relationship to applicant, that is owner,
member or partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 2017 to certify which
witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 47376

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____,
20__
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____