



Control Number: 47556



Item Number: 6

Addendum StartPage: 0

2017 SEP 23 11 29 06
PUBLIC UTILITY COMMISSION
FILING CLERK

DOCKET NO. 47556

PETITION OF HMSC, LLC TO § PUBLIC UTILITY COMMISSION
AMEND MCCOY WATER SUPPLY §
CORPORATION'S WATER § OF TEXAS
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN ATASCOSA §
COUNTY BY EXPEDITED RELEASE §

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

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 Recommendation on Sufficiency of the Application. Staff recommends that the Application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On August 30, 2017, HMSC, LLC (HMSC) filed a petition for the expedited release of 292.16 acres from water Certificate of Convenience and Necessity No. 10649 belonging to McCoy Water Supply Corporation (MWSC).¹ On September 28, 2017, MWSC filed a Motion to Intervene and Written Protest.²

On September 1, 2017, Order No. 1 was issued, establishing a deadline for Staff to file comments on the administrative completeness of the application and proposed notice by September 29, 2017.³ Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS OF APPLICATION

As detailed in the attached memorandum from Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete and accepted for filing.

¹ Petition of HMSC, LLC for Expedited Release of Lands from McCoy Water Supply Corporation Water Certificate of Convenience and Necessity No. 10649 (Aug. 29, 2017).

² Motion to Intervene and Written Protest (Sept. 28, 2017).

³ Order No. 1 (Sept. 1, 2017).

6

III. NOTICE SUFFICIENCY

Pursuant to 16 Tex. Admin. Code § 24.113(I)(3)(A)(vi) (TAC), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission. HMSC did not provide proof of notice by certified mail, however, the Commission published notice of the petition in the *Texas Register* on April 7, 2017.⁴ Additionally, the Commission mailed a copy of the notice filed with the *Texas Register* to MWSC at their address of record.⁵ Furthermore, MWSC filed a Motion to Intervene and Written Protest on September 28, 2017.⁶ Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff’s administrative completeness recommendation, Staff proposes the following procedural schedule:

Event:	Date:
Deadline for Staff’s final recommendation	October 16, 2017
Deadline to HMSC to file a reply to both MWSC’s response and Staff’s final recommendation	October 23, 2017
Administrative approval	Sixty (60) days from the Order deeming the petition administratively complete ⁷

V. CONCLUSION

For the reasons discussed above, Staff respectfully requests that an order be issued that (1) finds HMSC’s petition administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

⁴ Notice of Petition for Amendment to a Water Certificate of Convenience and Necessity by Expedited Release, 42 Tex. Reg. 4845, Docket No. 47556 (Sept. 15, 2017).

⁵ Order No. 1 at 1 (Sept. 1, 2017).

⁶ Motion to Intervene and Written Protest (Sept. 28, 2017).

⁷ 16 TAC § 24.113(5).

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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DOCKET NO. 47556

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 29th of September, 2017 in accordance with 16 TAC § 22.74.

Rosemary E. Hambright

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PUC Interoffice Memorandum

To: Rosemary Hambright, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist
Water Utility Regulation Division

Date: September 25, 2017

Subject: **Docket No. 47556:** *Petition of HMSC, LLC to Amend McCoy Water Supply Corporation's Water Certificate of Convenience and Necessity in Atascosa County by Expedited Release*

On August 30, 2017, HMSC, LLC ("Petitioner") filed a petition with the Commission for an expedited release from McCoy Water Supply Corporation's ("MWSC") water Certificate of Convenience and Necessity (CCN) No. 10649 in Atascosa County, pursuant to Texas Water Code § 13.254(a-5) (TWC) and 16 Texas Administrative Code § 24.113(I) (TAC). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Atascosa County which is a qualifying county.

The Petitioner submitted an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release area within the MWSC's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested area 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 292.16 acres, containing more than 25 contiguous acres of land.

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