



Control Number: 47696



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DOCKET NO. 47696

**APPLICATION OF WINDTHORST §
WATER SUPPLY CORPORATION TO §
AMEND A WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
ARCHER COUNTY §**

PUBLIC UTILITY COMMISSION
2018 JAN 11 AM 10:26
PUBLIC UTILITY COMMISSION
OFFICE OF THE CLERK
OF TEXAS

**COMMISSION STAFF'S SECOND RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Staff's Second Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On October 16, 2017, Windthorst Water Supply Corporation (Windthorst) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11355 in Archer County.

On November 14, 2017, Staff filed a Recommendation on Administrative Completeness, recommending that the application be found deficient.

On November 15, 2017, Order No. 2 was issued, finding the application administratively deficient, giving Windthorst until December 15, 2017, to amend the application to cure the deficiencies and establishing a deadline of January 12, 2018, for Staff to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. Windthorst did not timely file materials to cure its application deficiencies timely in accordance with Order No. 2. This pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

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 incomplete. Specifically, Staff has identified deficiencies in the mapping and financial information submitted. Staff recommends that Windthorst submit additional mapping

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and financial information, as further detailed in the attached memorandum.¹ Staff also notes that Windthorst should not issue notice until the application is found administratively complete.

III. PROCEDURAL SCHEDULE

In accordance with the recommendation that the application be found administratively incomplete, Staff recommends that a deadline of February 1, 2018, be established for Windthorst to supplement its application. Staff further recommends that a deadline of March 1, 2018, be established for Staff to review Windthorst's supplemental information and make a supplemental recommendation on the administrative completeness of the application.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: January 11, 2018

¹ Staff notes that Windthorst filed some information on January 5, 2018. That filing may correct some previously noted application deficiencies, but indicates that it does not cure the mapping deficiencies and asks for an extension to cure the mapping deficiencies. Given how closely that material was filed to Staff's deadline for this pleading, that new information has not yet been reviewed by Staff. Staff will review the January 5, 2018 filing, and any subsequently timely filed material by Windthorst, in preparation of its March 1, 2018 pleading.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney


A handwritten signature in black ink, appearing to read 'Joshua Barron', is written over a horizontal line.

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 11, 2018, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'Joshua Barron', is written over a horizontal line.

Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Staff Engineer
Water Utility Regulation Division

Date: January 10, 2018

Subject: **Docket 47696**, *Application of Windthorst Water Supply Corporation to Amend its Certificate of Convenience and Necessity (CCN) in Archer County*

On October 16, 2017, Windthorst Water Supply Corporation (Applicant or Windthorst WSC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11355 in Archer County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

Staff has reviewed the information provided by the Applicant and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content:

The mapping documentation filed in the application is deficient. The Applicant did not file a detailed map and the general location was not legible or to scale. The written descriptions provided for the requested areas are not considered metes and bounds surveys sealed or embossed by either a licensed state surveyor or a registered professional land surveyor. Therefore, Staff is unable to determine the accurate location for the requested areas the Applicant is seeking to amend in this application.

The Applicant must file the following items to resolve the mapping deficiencies:

- A revised general location map identifying the requested area(s) in reference to the nearest county boundary, city, or town.
- A detailed map identifying the requested area(s) in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area(s), as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Financial Information:

The audited financial statements filed in this application did not include the Independent Auditor's Report.

The Applicant must file the following items to resolve the financial deficiencies:

- A copy of the Independent Auditor's Report marked as page 1 and the auditor's management letter if issued separately from the audited financial statements, for the Year Ended December 31, 2016.
- Financial statement projections for the years 2017, 2018 and 2019 to complete the operations test.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).