



Control Number: 47738



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PETITION OF MIKE HOPKINS, §
EXECUTOR OF THE ESTATE OF §
HERMAN H. HOPKINS TO AMEND §
BOLIVAR WATER SUPPLY §
CORPORATION'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
DENTON COUNTY BY EXPEDITED §
RELEASE §

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 in response to Order No. 1, files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On October 27, 2017, Mike Hopkins, as executor of the estate of Herman H. Hopkins, (Petitioner) filed a petition for expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) Certificate of Convenience and Necessity (CCN) No. 11257, in Denton County. Specifically, Petitioner seeks expedited release of 60.093 acres from Bolivar WSC's CCN under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(1) (TAC). Petitioner filed supplemental information on November 14, 2017.

On November 1, 2017, Order No. 1 was issued, establishing a deadline of November 27, 2017, for Staff to file a recommendation on the administrative completeness of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Greg Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the petition for expedited release and supplemental information filed by Petitioner, and recommends that it be found administratively complete.

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III. NOTICE SUFFICIENCY

Petitioner asserts in his filing that he provided notice to the CCN holder, Bolivar WSC, by certified mail on November 13, 2017. As previously noted, the Commission also published notice of this petition in the *Texas Register* on November 17, 2017. Such notice meets the requirement of 16 TAC § 24.113(l). Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under Texas Water Code § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the Administrative Law Judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Bolivar WSC and/or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Bolivar WSC and/or intervenors to file a response
Deadline for Petitioner to file a reply to Bolivar WSC's response and Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete and that the proposed procedural schedule be adopted.

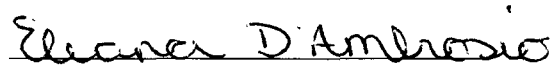
Dated: November 27, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

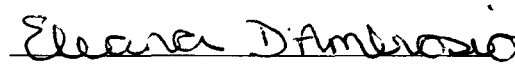
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**DOCKET NO. 47738
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 27, 2017, in accordance with 16 TAC § 22.74.


Eleanor D'Ambrosio

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Regulation Division

From: Greg Charles, Engineer
Water Utilities Regulation Division

Date: November 15, 2017

Subject: **Docket No. 47738:** *Petition of Mike Hopkins, Executor of the Estate of Herman H. Hopkins to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Expedited Release*

On October 27, 2017, Mike Hopkins (Petitioner) filed a petition with the Commission for expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On November 14, 2017, the Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.113(l)(3)(A), as well as proof that a copy of the petition was sent via certified mail to Bolivar WSC, the current holder of CCN No. 11257.

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