



Control Number: 47835



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| APPLICATION OF HOOD WATER, LLC FOR A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN PARKER COUNTY | § § § § | PUBLIC UTILITY COMMISSION OF TEXAS 2018 JUL 17 PM 2:28 PUBLIC UTILITY COMMISSION FILING CLERK |
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COMMISSION STAFF'S MOTION TO DISMISS

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Motion to Dismiss:

I. BACKGROUND

On December 5, 2017, Hood Water LCC (Applicant) filed an application to obtain a water certificate of convenience and necessity in Parker County.

On June 29, 2018, the administrative law judge (ALJ) issued Order No. 6, granting Hood Water's Request for an Extension because of their pending application with the Texas Commission on Environmental Quality (TCEQ). The ALJ gave Commission Staff a deadline of September 4, 2018 to provide final maps, certificates, and tariffs (if applicable), to Hood Water for review and consent.

II. RECOMMENDATION TO DISMISS

Based on the attached memoranda of Gregory Charles of the Water Utility Regulation Division, Staff recommends dismissing the application without prejudice. Because TCEQ has twice denied approval of the project, and such approval must be granted in order for the Commission to approved issuance of a new CCN, pursuant to Texas Administrative Code (TAC) § 24.105(a)(14)(A), dismissal is appropriate for administrative efficiency. When, if ever, the TCEQ approves the project, the Applicant can refile its application at the Commission.

III. CONCLUSION

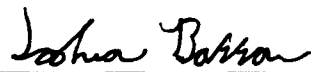
Staff respectfully recommends that the ALJ dismiss the application without prejudice.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

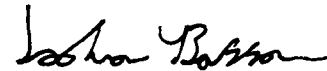
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 17, 2018 in accordance with 16 TAC § 22.74.



Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Engineer
Kathryn Eiland, Financial Analyst
Water Utility Regulation Division

Date: July 16, 2018

Re: **Docket No. 47835:** *Application of Hood Water, LLC to Obtain a Water Certificate of Convenience and Necessity in Parker County*

On December 5, 2017, Hood Water, LLC (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity in Parker County. The application is being reviewed pursuant to Texas Water Code §§ 13.242 to 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

Staff reviewed the information filed by the Applicant on December 5, 2017, and recommended that the application be deemed sufficient for filing and administratively complete. However, subsequently, the Applicant was denied approval from the Texas Commission on Environmental Quality (TCEQ) for construction of the transmission line necessary for water delivery to the requested area. In a letter dated May 24, 2018¹, the TCEQ denied approval of the project for the second time. Pursuant to TAC § 24.105(a)(14)(A) “[i]f the applicant receives a TCEQ disapproval letter, the application for a new water CCN or a CCN amendment may be subject to dismissal without prejudice.”

Based on the Applicant’s failure to obtain a TCEQ approval letter for its proposed project, Staff recommends that this application be dismissed without prejudice.

¹ Staff notes that the Applicant failed to notify the Commission within ten days of receipt of the TCEQ disapproval, as required by TAC § 24.105(a)(14)(A).