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DOCKET NO. 47979

RECEIVED

APPLICATION OF THE CITY OF §  
HEATH TO AMEND A CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
UNDER WATER CODE SECTION 13.255 §  
AND DECERTIFY A PORTION OF §  
FORNEY LAKE WATER SUPPLY §  
CORPORATION'S SERVICE AREA IN §  
ROCKWALL AND KAUFMAN §  
COUNTIES §

PUBLIC UTILITY COMMISSION

2018 FEB 23 AM 10:58  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), 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 January 23, 2018, the City of Heath (Heath) filed an application to amend water certificate of convenience and necessity (CCN) No. 12060 to provide water service to the Forney Lake Water Supply Corporation's (FLWS) CCN area and to decertify a portion of FLWS's CCN No. 10086 in Rockwall and Kaufman counties. Heath and FLWS provided an agreement pursuant to Tex. Water Code Ann. § 13.255(a) (West 2008 & Supp. 2017). On February 5, 2018, Heath filed a copy of the transmittal letter associated with the application. On February 16, 2018, Heath filed minor corrections to the map included in the application. The total area being requested includes approximately 2,600 acres and 839 customers.

Order No. 1, issued on January 25, 2018, established a deadline of February 23, 2018, for Staff to file a recommendation on the administrative completeness of the application and to propose a procedural schedule. Therefore, this pleading is timely filed.

## **II. ADMINISTRATIVE COMPLETENESS**

As further detailed in the attached memorandum of Elisabeth English of the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete.

## **III. NOTICE**

Staff recommends that notice be found insufficient. All of the information required by 16 Texas Administrative Code (TAC) § 24.120(c) is found in the application, however, there is no indication in the application that Heath provided a copy of the application to FLWS or otherwise provided FLWS with notice. In addition, no party representing FLWS appears to have been carbon-copied on the transmittal letter accompanying the application on the date it was filed with the Commission. Staff recommends that Heath file with the Commission proof that it has provided all of the required information listed in 16 TAC § 24.120(c) to FLWS.

## **IV. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Heath to file proof of notice to FLWS with the Commission	March 5, 2018
Deadline for Staff to make a recommendation on sufficiency of notice	March 7, 2018
Deadline for Staff to provide final maps and certificates to Heath for review and consent	April 17, 2018
Deadline for Heath to file signed consent forms with the Commission	April 24, 2018
Deadline for Staff to file a final recommendation on the application	May 1, 2018
Deadline for parties to file joint proposed findings of fact and conclusions of law	May 8, 2018

## **V. CONCLUSION**

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

Dated: February 23, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 23, 2018, in accordance with 16 TAC § 22.74.

Rosemary E. Hambright

Rosemary E. Hambright

## PUC Interoffice Memorandum

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**To:** Rosemary Hambright  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Elisabeth English, Engineering Specialist  
Water Utility Regulation Division

**Date:** February 23, 2018

**Subject:** **Docket No. 47979**, *Application of City of Heath to Amend a Certificate of Convenience and Necessity under Water Code Section 13.255 and Decertify a Portion of Forney Lake Water Supply Corporation's Service Area in Rockwall and Kaufman Counties*

On January 23, 2018, the City of Heath (Heath), filed an agreement pursuant to Tex. Water Code Ann. § 13.255(a) (TWC) and 16 Texas Administrative Code § 24.120 to amend their water Certificate of Convenience and Necessity (CCN) No. 12060 and to decertify a portion of Forney Lake Water Supply Corporation's (Forney Lake WSC) water CCN No. 10086 in Rockwall and Kaufman counties. Heath is seeking single certification of approximately 2,601 acres currently within Forney Lake WSC's current CCN.

Based upon the agreement originally filed and the supplemental mapping information filed on February 16, 2018, Staff recommends that the application be deemed sufficient for filing and found administratively complete.