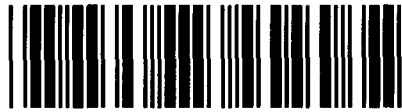




Control Number: 48015



Item Number: 5

Addendum StartPage: 0

**DOCKET NO. 48015**

**PETITION OF CENTEX LAS  
PALOMAS, L.P. TO AMEND THE  
CITY OF LYTLE'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN ATASCOSA COUNTY BY  
EXPEDITED RELEASE**

2018 MAR -1 AM 10:15  
§ PUBLIC UTILITY COMMISSION  
§  
§ OF TEXAS  
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§

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

**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 and Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On February 2, 2018, Centex Las Palomas, L.P. (Las Palomas) filed a petition for expedited release from the City of Lytle's (Lytle) water certificate of convenience and necessity (CCN) No. 11007, in Atascosa County. Specifically, Las Palomas seeks expedited release of 113.86 acres from Lytle's CCN under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l).

On February 7, 2018, Order No. 1 was issued, establishing a deadline of March 2, 2018, for Staff to file a recommendation on the administrative completeness and notice of the application. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Water Utility Regulation Division, Staff has reviewed the petition for expedited release and recommends that it be found administratively complete.

### III. NOTICE SUFFICIENCY

Under 16 TAC § 24.113(l)(3)(A)(vi), 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.

Las Palomas states in its filing that it mailed a copy of its petition to the CCN holder, Lytle, by certified mail on the day the petition was filed with the Commission. Las Palomas also included an affidavit attesting to this provision of notice to Lytle. In addition, the Commission also published notice of this petition in the *Texas Register* on February 16, 2018. 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 TWC § 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 Lytle 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 Lytle and/or intervenors to file a response
Deadline for Las Palomas to file a reply to both Lytle's response and Commission Staff's recommendation on final disposition <sup>1</sup>	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

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<sup>1</sup> Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

**V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Las Palomas' petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

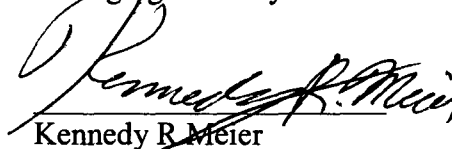
Dated: March 1, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

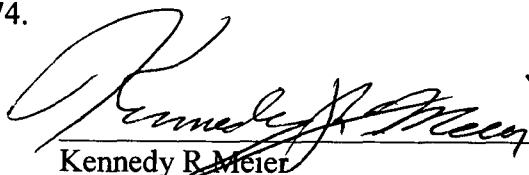


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**DOCKET NO. 48015**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 1, 2018, in accordance with 16 TAC § 22.74.



Kennedy R. Meier

## PUC Interoffice Memorandum

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**To:** Kennedy Meier, Attorney  
Legal Division

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

**From:** Patricia Garcia, Engineering Specialist  
Water Utility Regulation Division

**Date:** February 27, 2018

**Subject:** **Docket No. 48015** - *Petition of Centex Las Palomas, L.P. to Amend the City of Lytle's Certificate of Convenience and Necessity in Atascosa County by Expedited Release*

On February 2, 2018, Centex Las Palomas, L.P. (Petitioner) filed a request for an expedited release of approximately 113.9 acres from City of Lytle's water Certificate of Convenience and Necessity (CCN) No. 11007 in Atascosa County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). 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 has provided 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 § 24.113(m). The map and digital data are sufficient for determining the location of the requested release area within City of Lytle's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested release area is located within the subject property. Furthermore, the Petitioner provided a deed confirming the Petitioner's ownership of the subject property. The Petitioner submitted a sworn affidavit attesting that the subject property was not receiving water utility service from City of Lytle. The area being requested for expedited release is approximately 113.9 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to City of Lytle, the current holder of CCN No. 11007.

Staff recommends that the petition be deemed sufficient for filing. As summarized above, the petition meets the criteria set forth in TWC § 13.254(a-5) and 16 TAC § 24.113(1).