



Control Number: 48054



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 48054

**APPLICATION OF CANYON FALLS
MUNICIPAL UTILITY DISTRICT
NO. 1 OF DENTON COUNTY FOR A
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN DENTON COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

**COMMISSION STAFF'S 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. 1, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed insufficient and incomplete. In support thereof, Staff shows the following:

I. BACKGROUND

On February 12, 2018, Canyon Falls Municipal Utility District No. 1 (Canyon Falls MUD) filed an application to obtain a water Certificate of Convenience and Necessity in Denton County pursuant to Texas Water Code §§ 13.242 to 13.250 (TWC) and 16 Texas Administrative Code (TAC) §§ 24.101 to 24.107.

On February 15, 2018, Order No. 1 was issued. The order established a deadline of March 14, 2018, for Staff to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule. Therefore, 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 that the application lacks consent from both the Town of Argyle and the Town of Flower Mound for the requested service area to overlap the towns' respective corporate boundaries.

III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively incomplete. Therefore, Staff recommends that a deadline of April 13, 2018, be established for Canyon Falls MUD to supplement its application. Additionally, Staff recommends that a deadline of May 14, 2018, be established for Staff to review Canyon Falls MUD's supplemental information and make a supplemental recommendation on the administrative completeness of the application.

IV. CONCLUSION

For the reasons detailed above, Staff 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: March 13, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Richard Nemer
State Bar No. 24042829
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
richard.nemer@puc.texas.gov

DOCKET NO. 48054

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 13, 2018, in accordance with 16 TAC § 22.74.



Richard Nemer

PUC Interoffice Memorandum

To: Richard Nemer
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Staff Engineer
Water Utility Regulation Division

Date: March 12, 2018

Subject: **Docket 48054**, *Application of Canyon Falls Municipal Utility District No. 1 of Denton County for a Water Certificate of Convenience and Necessity (CCN) in Denton County*

On February 15, 2018, Canyon Falls Municipal Utility District No. 1 (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) in Denton County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.101 to 24.107.

A Staff review of the additional information filed by the Applicant on February 21, 2018, found that it is deficient in the required application information. Therefore, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete.

Application Content

The requested area overlaps the corporate boundaries of the Town of Argyle and the Town of Flower Mound. 16 TAC § 24.105(a)(4)(B) requires the Applicant provide evidence to show that the Applicant has received the necessary approvals including any consents, franchises, permits, or licenses to provide retail water utility service in the requested area from the applicable municipality, district, or other public authority that currently provides retail water utility service in the requested area, or is authorized to provide retail water utility service by enabling statute or order, or has an ordinance in effect that allows it to provide retail water utility service in the requested area, if any.

In order to resolve this deficiency, the Applicant must submit written consent from the Town of Argyle and the Town of Flower Mound allowing the Applicant to provide retail water service within its corporate boundaries.