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DOCKET NO. 48143

**APPLICATION OF SAMUEL
SLEDGE FOR AN EXEMPT UTILITY
REGISTRATION IN HARRIS
COUNTY**

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PUBLIC UTILITY COMMISSION AM 10:05
OF TEXAS

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 March 6, 2018, Samuel Sledge filed an application for exempt utility registration of the 1118-1/2 So. Main Street, Highlands water system pursuant to Texas Water Code § 13.242(c) and 16 Tex. Admin. Code § 24.103(e) (TAC). Order No. 2, issued on March 9, 2018, established a deadline of April 6, 2018, for Staff to file comments regarding the administrative completeness of the application, how the application should be processed, and propose a procedural schedule. Therefore, this pleading is timely filed.

II. JURISDICTION AND LEGAL AUTHORITY

The Texas Water Code § 13.242(c) (TWC) permits the Commission to allow a utility to operate without a Certificate of Convenience and Necessity (CCN) in certain situations:

The utility commission may by rule allow a municipality or utility or water supply corporation to render retail water service without a certificate of public convenience and necessity if the municipality has given notice under Section 13.255 of this code that it intends to provide retail water service to an area or if the utility or water supply corporation has less than 15 potential connections and is not within the certificated area of another retail public utility.

The Commission has promulgated the following requirements under 16 TAC § 24.103(e)(1):

A water utility or water supply corporation is exempt from the requirement to possess a CCN to provide retail water service if it:

(A) has less than 15 potential service connections;

(B) is not owned by or affiliated with a retail public water utility, or any other entity, that provides potable water service;

(C) is not located within the certificated service area of another retail public water utility; and

(D) is not within the corporate boundaries of a district or municipality unless it receives written authorization from the district or municipality.

III. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Debbie Reyes Tamayo in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete. The information contained in the application is sufficient for Staff to continue its review and make a recommendation on whether the application satisfies the requirements of TWC § 13.242(c) and 16 TAC § 24.103(e)(1).

IV. RECOMMENDATION ON NOTICE

The notice requirement for this proceeding is governed by P.U.C. PROC. R. 22.55, which states that the presiding officer may require reasonable notice but does not specify what notice is necessary. On March 9, 2018, the Commission's notice in the *Texas Register* was filed. Staff recommends that no notice beyond the notice in the *Texas Register* is necessary.

V. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Staff provides final map, tariffs and consent form to the applicant	May 11, 2018
Deadline for applicant to consent to final map, tariffs and consent form	May 25, 2018
Deadline for Commission Staff to file a final recommendation on final disposition, or to request a hearing	June 4, 2018
Deadline for applicant to respond to Commission Staff's recommendation or request a hearing	June 11, 2018
If no disputed issues, deadline for parties to file a joint proposed fact statements, legal conclusions, and ordering paragraphs, and a request to admit evidence	Jun 18, 2018

VI. CONCLUSION

For the reasons discussed above, Staff recommends that the application be found administratively complete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Date: April 6, 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 April 6, 2018, in accordance with 16 Texas Administrative Code § 22.74.

Rosemary E. Hambright w/permission
Stephen Mack
Rosemary E. Hambright

PUC Interoffice Memorandum

To: Rosemary Hambright, Attorney
Legal Division

From: Debbie Reyes Tamayo, Program Specialist
Water Utility Regulation Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

Date: March 20, 2018

Subject: **Docket No. 48143**, *Application of Samuel Sledge for an Exempt Utility Registration in Harris County*

On March 6, 2018, Samuel Sledge (Applicant), filed an application for registration of an exempt utility pursuant 16 Texas Administrative Code (TAC) § 24.103(e) in Harris County. The requested area includes less than 15 potential connections and a total of 8 acres and is known as the 1118-1/2 So. Main Street, Highlands Subdivision.

Order No. 1 instructs that Commission Staff shall file comments regarding the administrative completeness of the application, how the petition should be processed, and propose a procedural schedule, by April 6, 2018.

Staff recommends that the application be deemed administratively complete and accepted for filing.

Commission Staff recommends the following procedural schedule:

- The final map will be completed by the Commission mapping staff by May 11, 2018.
- Staff will e-mail the final map, tariff and consent form to the Applicant. The applicant will have until May 25, 2018, to file their signed consent form with the Commission.