

Control Number: 48302



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DOCKET NO. 48302

**PETITION OF LACKLAND
FAIRVIEW, LLC TO AMEND AQUA
TEXAS, INC.'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
WISE COUNTY BY EXPEDITED
RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2018 MAY 13 2:48:52
REGISTRATION DIVISION

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

I. BACKGROUND

On April 20, 2018, Lackland Fairview, LLC (Petitioner) filed a petition for expedited release within Aqua Texas, Inc.'s (Aqua Texas) Certificate of Convenience and Necessity (CCN) No. 13201, in Wise County. Specifically, Petitioner seeks expedited release of 298.1 acres from Aqua Texas, Inc.'s CCN under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(1) (TAC).

On April 25, 2018, Order No. 1 was issued, establishing a deadline of May 21, 2018, for Staff to file a recommendation on the administrative completeness of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Charles Gregory in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete.

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III. NOTICE SUFFICIENCY

Pursuant to 16 Tex. Admin. Code § 24.113(I)(3)(A)(vi) (TAC), 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.

Petitioner asserts in their filing that they provided notice to the CCN holder, Aqua Texas, by certified mail on April 19, 2018. As previously noted, the Commission also published notice of this petition in the *Texas Register* on May 11, 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 Texas Water Code § 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 Lackland/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 Aqua Texas and/or intervenors to file a response
Deadline for Lackland to file a reply to Aqua Texas' response and Commission Staff's recommendation on final disposition	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

V. CONCLUSION

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

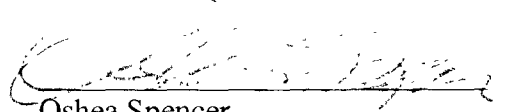
Dated: May 18, 2018

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 May 18, 2018, in accordance with 16 TAC § 22.74.


Oshea Spencer

PUC Interoffice Memorandum

To: Oshea Spencer, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Regulation Division

From: Greg Charles, Engineer
Water Utilities Regulation Division

Date: May 15, 2018

Subject: **Docket No. 48302:** *Petition of Lackland Fairview, LLC to Amend Aqua Texas, Inc.'s Water Certificate of Convenience and Necessity by Expedited Release in Wise County*

On April 20, 2018, Lackland Fairview, LLC (Petitioner) filed a petition with the Public Utility Commission (Commission) for expedited release from Aqua Texas, Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No.13201 in Wise County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Wise County which is a qualifying county.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release areas within Aqua Texas, Inc.'s certificated area. Mapping Staff was able to confirm the acreage of the subject properties, and determined that the requested areas are located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioners' ownership of the tracts of land within the subject property.

The Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.113(l), as well as proof that a copy of the Petition was sent via certified mail to Aqua Texas, the current holder of CCN No. 13201.

The petition meets the criteria set forth in TWC § 13.254 (a-5) and TAC §24.113(r). Therefore, Staff recommends that the petition be deemed sufficient for filing.