



Control Number: 48484



Item Number: 5

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PETITION OF EQK BRIDGEVIEW §
 PLAZA, LLC TO AMEND HIGH POINT §
 WATER SUPPLY CORPORATION'S §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN KAUFMAN §
 COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION: 57

PUBLIC UTILITY COMMISSION
 OF TEXAS
 FILING CLERK

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 Commission Staff's 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 June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview) filed a request for expedited release from High Point Water Supply Corporation's (WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County. EQK Bridgeview asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

On June 27, 2018, Order No. 1 was issued, establishing a deadline of July 23, 2018 for Staff to file a recommendation on the administrative completeness of the petition and notice. 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 application and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Pursuant to 16 TAC § 24.113(I)(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.

EQK Bridgeview asserts in their filing of July 6, 2018, that they provided notice to the CCN holder, the High Point WSC, by certified mail on June 20, 2018. As previously noted, the Commission also published notice of this petition in the *Texas Register* on July 13, 2018. Such notice meets the requirement of 16 TAC § 24.113(I). 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 EQK Bridgeview 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 Cut and Shoot and/or intervenors to file a response
Deadline for EQK Bridgeview to file a reply to Cut and Shoot' 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 (1) finds EQK Bridgeview's petition administratively complete and its notice sufficient, and (2) adopts the above proposed procedural schedule.

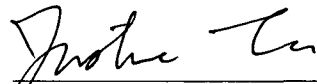
Dated: July 23, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 48484

CERTIFICATE OF SERVICE

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



Justine Isabelle Caedo Tan

PUC Interoffice Memorandum

To: Justine Isabelle Tan, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Engineering Specialist
Water Utility Regulation Division

Date: July 23, 2018

Subject: **Docket No. 48484:** *Petition of EQK Bridgeview Plaza, LLC to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview or Petitioner) filed a petition for expedited release from High Point Water Supply Corporation's (WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman 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 contiguous acres, is not receiving water service, and is located in Kaufman 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 locations of the requested release areas within High Point WSC'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 warranty deeds confirming the Petitioners' ownership of the tracts of land within the subject property. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder. The area being requested for expedited release is approximately 1819.9 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to High Point WSC, the current holder of CCN No. 10841, on June 20, 2018.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.