



Control Number: 48587



Item Number: 9

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PETITION OF RAYMOND MARTIN §
TO AMEND HIGH POINT WATER §
SUPPLY CORPORATION'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN ROCKWALL §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 SEP 10 PM 1:05
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION
ON ADMINISTRATIVE COMPLETENESS AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this supplemental recommendation on administrative completeness and proposed procedural schedule. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On August 10, 2018, Raymond Martin (Applicant) filed a petition for expedited release from the High Point Water Supply Corporation (High Point WSC) water certificate of convenience and necessity (CCN) No. 10841, in Rockwall County. On September 10, 2018, Staff recommended that the application be found administratively incomplete. In Order No. 2, issued on September 11, 2018, the presiding Administrative Law Judge (ALJ) found the application, as filed on August 10, 2018, to be administratively incomplete and deficient.

On September 10, 2018, Applicant filed a First Amended Petition for Expedited Release. In the First Amended Petition, Applicant seeks expedited release of approximately 50 acres from High Point WSC's CCN under Texas Water Code § 13.254(a-5) (TWC) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly § 24.113). Order No. 2 established a deadline of November 9, 2018, for Staff to file a supplemental recommendation on the administrative completeness of the application and notice, as amended, and propose a procedural schedule for further processing of the application. 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 amended petition for expedited release and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(l)(4)(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.

Applicant states in its filing that it mailed a copy of its petition to the CCN holder, High Point WSC, by certified mail on September 10, 2018. Petitioner also included an affidavit attesting to this provision of notice to High Point WSC. In addition, the Commission also published notice of this petition in the *Texas Register* on August 24, 2018. Such notice meets the requirement of 16 TAC § 24.245(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 High Point WSC 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 High Point WSC and/or intervenors to file a response
Deadline for Applicant to file a reply to both High Point WSC's response and Commission Staff's recommendation on final disposition ¹	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 Petitioner's petition to be administratively complete and its notice sufficient; and (2) adopts the above proposed procedural schedule.

November 9, 2018


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

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 November 9, 2018, in accordance with 16 TAC § 22.74.



Hunter Burkhalter

PUC Interoffice Memorandum

To: Hunter Burkhalter, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist
Water Utility Regulation Division

Date: November 8, 2018

Subject: **Docket No. 48587:** *Petition of Raymond Martin to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Expedited Release*

On September 10, 2018, Raymond Martin (Martin or Petitioner) filed an amended application for expedited release from High Point Water Supply Corporation's (High Point) water Certificate of Convenience and Necessity (CCN) No. 10841 in Rockwall County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly § 24.113(l)). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall 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 § 24.257, (formerly § 24.119). The map and digital data are sufficient for determining the locations of the requested release areas within High Point's certificated area. Mapping Staff was able to confirm the acreage of the subject property, and determined that the requested area is located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioners' ownership of the tract 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 50 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to High Point, the current holder of CCN No. 10841, on the date the petition was filed with the Commission.

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