



Control Number: 48707



Item Number: 5

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DOCKET NO. 48707

PETITION OF BLOOMFIELD HOMES,	§	PUBLIC UTILITY COMMISSION
L.P. TO AMEND JOHNSON COUNTY	§	
SPECIAL UTILITY DISTRICT'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN TARRANT	§	
COUNTY BY EXPEDITED RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE
AND ESTABLISHING 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. 1, files this Recommendation on Administrative Completeness and Proposed Notice and Establishing Procedural Schedule. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On September 21, 2018, Bloomfield Homes, L.P. (Bloomfield) filed a petition with the Commission for expedited release from Johnson County Special Utility District's (Johnson County SUD) water Certificate of Convenience and Necessity (CCN) No. 10081 in Tarrant County, pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(*l*), formerly 16 TAC § 24.113(*l*). Bloomfield asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

On, September 27, 2018, Order No. 1 was issued, establishing a deadline of October 21, 2018, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Since that day falls on a Sunday, the pleading is due the next business day, which is October 22, 2018.¹ Therefore, this pleading is timely filed.

¹ 16 TAC § 22.4(a).

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FILING CLERK

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the 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.

Bloomfield states in its filing that it mailed a copy of its petition to the CCN holder, Johnson County SUD, by certified mail on the day the petition was filed with the Commission. Bloomfield also included an affidavit attesting to this provision of notice to Johnson County SUD. In addition, the Commission also published notice of this petition in the *Texas Register* on October 12, 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 Johnson County SUD and/or intervenors to file a response to the administratively complete Petition	October 21, 2018
Deadline for Commission Staff's recommendation on final disposition	October 28, 2018
Deadline for Bloomfield to file a reply to both Johnson County SUD's response and	November 4, 2018

Commission Staff's recommendation on final disposition ²	
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 Bloomfield's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

² Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

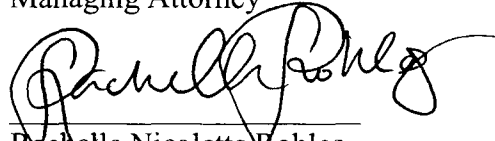
Dated: October 22, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

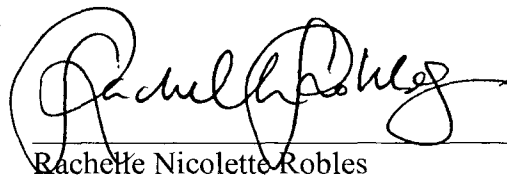


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 22, 2018, in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist
Water Utility Regulation Division

Date: October 18, 2018

Subject: **Docket No. 48707:** *Petition of Bloomfield Homes, L.P. to Amend Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County by Expedited Release*

On September 21, 2018, Bloomfield Homes, L.P. (or Petitioner) filed an application for expedited release from Johnson County Special Utility District's (Johnson County SUD) water Certificate of Convenience and Necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l), formerly 16 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 Tarrant 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 16 TAC § 24.119. The map and digital data are sufficient for determining the locations of the requested release areas within Johnson County SUD'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 100.2 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to Johnson County SUD, the current holder of CCN No. 10081, on the date the petition was filed with the Commission.

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