



Control Number: 48727



Item Number: 9

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**DOCKET NO. 48727**

**PETITION OF CHARMAINE  
MIRANDER WILKE TO AMEND TRI-  
COMMUNITY WSC'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN GUADALUPE COUNTY BY  
EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS, 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. 2, files this Recommendation on Administrative Completeness 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 October 2, 2018, Charmaine Mirander Wilke (Wilke) filed a petition with the Commission for expedited release from Tri-Community WSC's (Tri-Community) water Certificate of Convenience and Necessity (CCN) No. 10313 in Guadalupe 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)). Wilke asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe County, which is a qualifying county.

On October 9, 2018, Order No. 1 was issued, establishing a deadline of November 1, 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. 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 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 was mailed to the current CCN holder via certified mail on the day that the landowner submitted the petition with the Commission.

Wilke stated in her filing that she mailed a copy of her petition to the CCN holder, Tri-Community, by certified mail on the day the petition was filed with the Commission. Wilke also included an affidavit attesting to this provision of notice to Tri-Community. In addition, the Commission published notice of this petition in the *Texas Register* on October 26, 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.

<b>Event</b>	<b>Date</b>
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Tri-Community 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 Tri-Community and/or intervenors to file a response
Deadline for Wilke to file a reply to both Tri-Community's response and Commission Staff's recommendation on final disposition <sup>1</sup>	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 Wilke's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

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<sup>1</sup> 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: November 1, 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 November 1, 2018, in accordance with 16 TAC § 22.74.

  
Skyler Springsteen Collins

## PUC Interoffice Memorandum

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**To:** Skyler Collins, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Jolie Mathis, Engineering Specialist  
Water Utility Regulation Division

**Date:** October 31, 2018

**Subject:** **Docket No. 48727:** *Petition of Charmaine Mirander Wilke to Amend Tri-Community WSC's Certificate of Convenience and Necessity in Guadalupe County by Expedited Release*

Charmaine Mirander Wilke (Petitioner) filed an application on October 2, 2018, for expedited release from Tri-Community Water Supply Corporation's (Tri-Community WSC) water Certificate of Convenience and Necessity (CCN) No. 10313, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly TAC § 24.113(l)). The Petitioner filed an amendment to the petition on October 15, 2018. The Petitioner asserts that the land designated for the expedited release is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe 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 Tri-Community 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 77 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to Tri-Community WSC, the current holder of CCN No. 10313, 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.