



Control Number: 48788



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DOCKET NO. 48788

PETITION OF TFLP INVESTMENTS, §  
LP TO AMEND AQUA TEXAS, INC.'S §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
HAYS COUNTY BY EXPEDITED §  
RELEASE §

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 NOV -9 PM 2:57

PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND PROPOSED 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 petition be deemed deficient and that the petitioner be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 16, 2018, TFLP Investments, LP (Petitioner), filed a petition with the Public Utility Commission of Texas (Commission) for expedited release from Aqua Texas, Inc.'s (Aqua Texas), sewer Certificate of Convenience and Necessity (CCN) No. 20867 pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly 16 TAC § 24.113).

Petitioner asserts that it owns 68.96 acres of contiguous property in Hays County, Texas (Property). Furthermore, Petitioner states that 26.7 acres of the Property is located within the boundaries of sewer CCN No. 20867. Additionally, Petitioner claims that the Property is not receiving service from any water service provider.

On October 18, 2018, the Administrative Law Judge (ALJ) issued Order No. 1, whereby Staff was required to file a recommendation on the administrative completeness of the petition and notice and propose a procedural schedule for further processing of the petition. Therefore, this pleading is timely filed.

## **II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum of Greg Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the petition and recommends that it be found administratively incomplete at this time. Specifically, after review of the submitted warranty deeds, Staff notes that TFGP Properties, L.L.C., holds a two percent (2%) ownership interest in the subject property. Therefore Staff recommends that Petitioner supplement the petition to include all owners of the subject property. In addition, the Petitioner did not provide proof that a copy of the petition was mailed to Aqua Texas via certified mail on the day that the petition was submitted to the Commission. Staff recommends that the Petitioner be ordered to submit such proof of notice pursuant to 16 TAC § 24.245(l)(4)(A)(vi).

## **III. PROCEDURAL SCHEDULE**

Staff recommends that Petitioner be ordered to cure the deficiencies identified in Mr. Charles' memorandum by December 18, 2018, and that Staff be given a deadline of January 19, 2019, to file a supplemental recommendation on the administrative completeness of the petition.

## **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the petition be found administratively incomplete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: November 9, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

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



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Richard Nemer

## PUC Interoffice Memorandum

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**To:** Richard Nemer, Attorney  
Legal Division

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

**From:** Greg Charles, Engineer  
Water Utility Regulation Division

**Date:** November 9, 2018

**Subject:** **Docket No. 48788: Notice of Deficiency - *Petition of TFLP Investments, LP to Amend Aqua Texas, Inc.'s Sewer Certificate of Convenience and Necessity in Hays County by Expedited Release***

On October 16, 2018, TFLP Investments, LP (Petitioner), filed a petition for expedited release from Aqua Texas, Inc.'s (Aqua), sewer Certificate of Convenience and Necessity (CCN) No. 20867 in Hays County, under Texas Water Code (TWC) § 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 Hays County, which is a qualifying county.

Staff has reviewed the petition and recommends that it be deemed insufficient for filing and administratively incomplete due to the two deficiencies detailed below.

First, the petition lacks information required by 16 TAC §24.245(l). Specifically, Staff recommends the Petitioner submit proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the Petitioner submitted the petition to the Commission, pursuant to 16 TAC § 24.245(l)(4)(A)(vi).

Second, the deeds filed with the petition identify two owners of the subject property, TFLP Investments, Inc., and TFGP Properties, L.L.C. The latter entity was not included as a party in the petition requesting expedited release. Staff recommends that all owners of the subject property be named parties to the request for expedited release.