

Control Number: 48935



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 48935

PETITION OF AIRW 2017-7, LP. TO AMEND THE CITY OF MCKINNEY'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY EXPEDITED RELEASE	§ § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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PUBLIC UTILITY COMMISSION
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 files this Recommendation on Administrative Completeness and Notice. Staff recommends that the application be deemed administratively complete and sufficient for further review. In support thereof, Staff would show the following:

I. BACKGROUND

On November 30, 2018, AIRW 2017-7, LP. (AIRW) filed a petition for an expedited release from the City of McKinney's (McKinney) Sewer Certificate of Convenience and Necessity (CCN) No. 20071 for approximately 138 acres in Collin County. On December 3, 2018, Order No. 1 established a deadline of January 2, 2019 for Staff to file a recommendation on the administrative completeness of the application. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Elisabeth English in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by AIRW and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

AIRW attests via affidavit in its petition that it provided notice to the CCN holder, McKinney, by certified mail on November 30, 2018. The Commission also published notice of this petition in the *Texas Register* on December 3, 2018. Such notice meets the requirements of

5

16 Tex. Admin. Code § 24.245(l). Accordingly, Staff recommends that the notice issued be found sufficient.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete and its notice sufficient.


Dated: January 2, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 48935

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the January 2, 2019 in accordance with 16 TAC § 22.74.



Creighton R. McMurray

PUC Interoffice Memorandum

To: Creighton McMurray, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: January 2, 2018

Subject: **Docket No. 48935**, *Petition of AIRW 2017-7, LP. to Amend the City of McKinney's Certificate of Convenience and Necessity in Collin County by Expedited Release*

On November 30, 2018, AIRW 2017-7, LP. (AIRW) requested the expedited release of approximately 138 acres of land located within the boundaries of City of McKinney's (McKinney) sewer Certificate of Convenience and Necessity (CCN) No. 20071 in Collin County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) TAC § 24.245(l). AIRW asserts that the land is at least 25 acres, is not receiving sewer service, and is located in Collin County, which is a qualifying county.

AIRW has provided an adequate map 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 location of the requested release area within McKinney's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested release area is located within the subject property. Furthermore, AIRW provided a deed confirming the Petitioner's ownership of the subject property. AIRW submitted a sworn affidavit attesting that the subject property was not receiving sewer utility service from McKinney. The area being requested for expedited release is approximately 138 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to McKinney.

Staff recommends that the petition be deemed sufficient for filing. As summarized above, the petition meets the criteria set forth in TWC § 13.254(a-5) and TAC § 24.245(1).