



Control Number: 48944



Item Number: 5

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PETITION OF MM WALDEN POND LLC §  
TO AMEND HIGH POINT WATER §  
SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY IN KAUFMAN COUNTY BY §  
EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS

2019 JAN -3 PM 1:03  
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 application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On December 3, 2018, MM Walden Pond, LLC (Walden Pond) filed a petition with the Commission for expedited release of approximately 245 acres of land located within the boundaries of High Point Water Supply Corporation's (High Point) water certificate of convenience and necessity (CCN) number 10841 in Kaufman 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)). Walden Pond asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County which is a qualifying county.

On December 6, 2018, Order No. 1 was issued, establishing a deadline of January 3, 2019, 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 Nabaraj Pokharel 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.

Walden Pond states in its filing that it mailed a copy of its petition to the CCN holder, High Point, by certified mail on the day after the petition was filed with the Commission. Walden Pond also included an affidavit attesting to this provision of notice to High Point. Accordingly, Staff recommends that the notice issued be found sufficient.

### IV. 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 Petitioner 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 Aqua and/or intervenors to file a response
Deadline for Petitioner to file a reply to both Aqua'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

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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.

## **V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Walden Pond's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

Dated: January 3, 2019

Respectfully Submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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**DOCKET NO. 48944**

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 3, 2019, in accordance with 16 TAC § 22.74.



Steven M. Gonzalez

## PUC Interoffice Memorandum

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**To:** Steven Gonzalez, Attorney  
Legal Division

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

**From:** Nabaraj Pokharel, Engineering Specialist  
Water Utility Regulation Division

**Date:** January 3, 2019

**Subject:** **Docket No. 48944:** *Petition of MM Walden Pond, LLC to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On December 3, 2018, MM Walden Pond, LLC (Petitioner) filed an application for expedited release from High Point Water Supply Corporation's water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman 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. The map and digital data are sufficient for determining the locations of the requested release areas within High Point Water Supply Corporation'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 245 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to High Point Water Supply Corporation's, 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.