



Control Number: 49231



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DOCKET NO. 49231

APPLICATION OF PONDER	§	PUBLIC UTILITY COMMISSION
ENTERPRISES, INC. DBA	§	OF TEXAS
LONGHORN COMPANY AND LONE	§	
STAR WATER COMPANY FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN DENTON COUNTY	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

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 Procedural Schedule. Staff recommends that the application be deemed administratively incomplete and that the applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On February 15, 2019, Ponder Enterprises, Inc. d/b/a Longhorn Company and Lone Star Water Company (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Denton County, Texas. Specifically, the Applicants seek to transfer all of Ponder's facilities and service area under water certificate of convenience and necessity number 12810 to Lone Star.

On February 20, 2019, Order No. 1 was issued establishing a deadline of March 18, 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 of Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies and inconsistencies in the application content and mapping information. Staff recommends that Applicants submit

additional application content and mapping information resolving the deficiencies and inconsistencies, as further detailed in the attached memorandum.

III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively incomplete. Therefore, Staff recommends that a deadline of April 18, 2019 be established for Applicants to supplement the application. Staff further recommends that a deadline of May 17, 2019 be established for Staff to review Applicants' supplemental information and make a supplemental recommendation on the administrative completeness of the application. Staff notes that Applicants should not issue notice until the application is found administratively complete.

IV. CONCLUSION

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

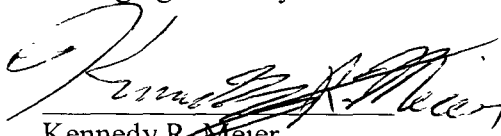
Dated: March 15, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

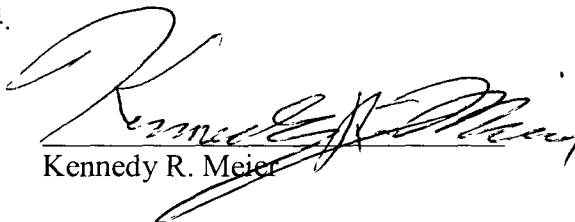
A handwritten signature in black ink, appearing to read "Kennedy R. Meier", written over a horizontal line.

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 15, 2019, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "Kennedy R. Meier", written over a horizontal line.

Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

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

Date: March 13, 2019

Subject: **Docket No. 49231**, *Application of Ponder Enterprises, Inc. DBA Longhorn Company and Lone Star Water Company for Sale, Transfer, or Merger of Facilities and Certificate Rights in Denton County*

On February 15, 2019, Lone Star Water Company (Purchaser) and the Ponder Enterprises, Inc. (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Denton County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239 (formerly 16 TAC § 24.109).

Specifically, Purchaser seeks to obtain a new Certificate of Convenience and Necessity (CCN) and transfer/cancel Seller's water CCN No. 12810. It is unclear how much acreage is being requested and how many connections are affected, due to the mapping deficiencies detailed below.

Staff has reviewed the information provided by the Applicants and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content:

The application indicates that the Applicants seek to transfer all of water CCN No. 12810; however, the mapping materials submitted do not depict all of the area certificated under water CCN No. 12810. Specifically, in addition to the areas depicted in the Applicants' mapping materials, water CCN No. 12810 includes an area of approximately 420 acres on the border of Denton and Wise counties, in the area of Deussen Road and Merritt Ranch Road. Staff recommends that the Applicants be directed to resolve this discrepancy and provide clarification regarding the acreage and number of connections included in the requested area. If the Applicants elect to submit new mapping information revising the depiction of the area requested, they should provide the following information:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); OR metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Note: Any confidential items should be submitted as confidential filings with the Commission. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).