



Control Number: 49433



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DOCKET NO. 49433

PETITION OF LGI HOMES – TEXAS,	§	PUBLIC UTILITY COMMISSION
LLC, BIG SKY LLC, AND MINDY L.	§	
KOEHNE (TRUSTEE) TO AMEND	§	
BOLIVER WATER SUPPLY	§	OF TEXAS
CORPORATION’S WATER	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN DENTON	§	
COUNTY BY EXPEDITED RELEASE	§	

**COMMISSION STAFF’S SECOND 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. 2, files this Second Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On April 10, 2019, LGI Homes-Texas LLC, Big Sky LLC, and Mindy L. Keohne (Petitioners) filed a petition for expedited release of a 440-acre tract of land within Bolivar Water Supply Corporation’s water certificate of convenience and necessity No. 11257 in Denton County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l).

On May 13, 2019, Order No. 2 was issued, establishing a deadline of June 10, 2019 for the petitioner to supplement the petition to cure the deficiencies listed in Staff’s May 9, 2019 Recommendation. On May 28, 2019, the petitioner supplemented the petition.

Order No. 2 established a deadline of July 9, 2019 for Staff to file a supplemental recommendation regarding administrative completeness, along with a proposed procedural schedule, if appropriate. This pleading is therefore 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 application and recommends that it be found administratively incomplete. Staff recommends that Petitioners be ordered to cure the deficiencies identified in Mr. Pokharel's memorandum by August 9, 2019, and that Staff be given a deadline of September 9, 2019, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Petitioners should not issue notice until the application is found administratively complete, and also notes that a subsequent filing by Staff may recommend severance of the docket into more than one docket.

III. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Petitioners be ordered to file a supplement addressing the identified deficiencies in the application by August 9, 2019.

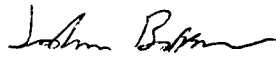
Dated: July 9, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney

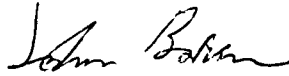


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 9, 2019,
in accordance with 16 TAC § 22.74.



Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Nabaraj Pokharel, Engineering Specialist
Water Utility Regulation Division

Date: July 1, 2019

Subject: **Docket No. 49433:** *Petition of LGI Homes - Texas, LLC, Big Sky LLC, and Mindy L. Koehne (Trustee) to amend Bolivar Water Supply Corporation's Water Certificate of Convenience and Necessity in Denton County by Expedited Release*

On April 10, 2019, LGI Homes - Texas, LLC, Big Sky LLC, and Mindy L. Koehne (Trustee) (collectively Petitioners) filed an application for expedited release from Bolivar Water Supply Corporation's water Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, under Texas Water Code (TWC) § 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 Denton County which is a qualifying county.

Staff has reviewed the petition and their response to order number 2 and recommends that it be deemed insufficient for filing and administratively incomplete due to the deficiencies detailed below.

- One tract of land, A0660A JOWELL, TR 13C, 1. ACREAS, OLD DCAD TR12, is less than 25 acres and the petition appears to be filed by multiple landowners, owning different tracts of land.