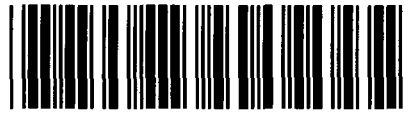




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**APPLICATION OF ECHO HILLS  
POA WATER SYSTEM FOR AN  
EXEMPT UTILITY REGISTRATION**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S CLARIFICATION ON ECHO HILLS CCN CANCELLATION  
AND EXEMPT UTILITY REGISTRATION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and, in response to Order No. 8, files this Clarification on Echo Hills CCN Cancellation and Exempt Utility Registration. In support, Staff offers the following:

**I. BACKGROUND**

On May 21, 2019, Echo Hills P.O.A. (Echo Hills) filed an application for exempt utility registration of the 8976 Ruby Lane Frankston water system pursuant to Texas Water Code (TWC) § 13.242(c) and 16 Texas Administrative Code (TAC) § 24.229(e).

On May 23, 2019, the Commission administrative law judge (ALJ) issued Order No. 1, which required Staff to file, by June 20, 2019, comments on the administrative completeness of the application, how the application should be processed, and propose a procedural schedule, if necessary. On June 20, 2019, Staff recommended that the application be found administratively complete and suggested a procedural schedule. The ALJ issued Order No. 2 on June 26, 2019, which set a deadline of August 14, 2019 for Staff to file its recommendation on final disposition. On that date, Staff recommended that the application be approved. Subsequently, on August 28, 2019, Staff submitted a motion to admit evidence along with a proposed order. Order No. 3, issued on August 30, 2019, granted the motion to admit evidence.

However, Order No. 4, issued on September 3, 2019, required the applicant to submit a pleading explaining: who owns the well and associated equipment for the purpose of selling potable water; Ms. Brown's relationship to Echo Hills and the basis of her legal authority, if any, to speak on behalf of Echo Hills; the full name of Echo Hills; and provide any additional information that would be helpful in determining in whose name the exempt utility registration and tariff should be issued. The ALJ further ordered that, if Echo Hills is a legal entity of some sort, the record be supplemented to reflect that status. Order No. 4 also required Staff to file, by

October 7, 2019, a recommendation regarding in whose name the exempt utility registration and tariff should be issued, including, if appropriate, a revised registration and tariff.

On October 7, 2019, Staff filed its response to Order No. 4. Because Echo Hills had not yet filed a pleading providing the information requested in Order No. 4, Staff requested that the ALJ reiterate its request to the applicant. On October 9, 2019, the ALJ issued Order No. 5, which established November 7, 2019, as the new deadline by which Echo Hill must file a pleading providing the additional information requested in Order No. 4. On December 12, 2019, the ALJ issued Order No. 6, which granted Staff an extension and established a deadline of January 7, 2020, for Staff to provide its recommendation regarding in whose name the exempt utility registration and tariff should be issued, including, if appropriate, a revised registration and tariff.

In its January 7, 2020 recommendation, Staff recommended that the exempt utility registration be issued to Echo Hills POA Water System. Staff also noted that Echo Hills POA Water System had been assigned Certificate of Convenience and Necessity (CCN) No. 12553. Because it is not possible for a water utility to simultaneously possess a CCN and be registered as an exempt utility, Order No. 8 required the parties to confer and file, by January 31, 2020, clarification on how Echo Hills intends to proceed in this docket. Therefore, this pleading is timely filed.

## **II. CANCELLATION OF CCN AND ASSIGNMENT OF EXEMPT UTILITY STATUS**

Echo Hills POA Water System does hold CCN No. 12553. Staff has spoken with Echo Hills representative Bobbie Brown, and she has indicated that Echo Hills intends to file, in this docket, a petition to cancel its active CCN. Ms. Brown also stated that Echo Hills intends to move forward with its application for an exempt utility registration. Staff recommends that the exempt utility registration be issued to Echo Hills POA Water System.

## **III. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the exempt utility registration and tariff be issued under the name of Echo Hills POA Water System and that the petition to cancel its CCN that Echo Hills has indicated that it will file be granted.

Dated: January 31, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Rachelle Nicolette Robles  
Managing Attorney

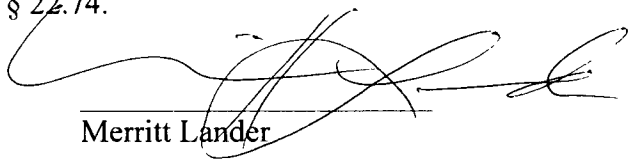


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**DOCKET NO. 49560**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 31, 2020, in accordance with 16 TAC § 22.74.



Merritt Lander