



Control Number: 49863



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DOCKET NO. 49863

PETITION OF ALAMO MISSION LLC §  
TO AMEND ROCKETT SPECIAL §  
UTILITY DISTRICT'S WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN ELLIS COUNTY §  
BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS

2019 SEP 11 PM 2:07  
PUBLIC 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 August 16, 2018, Alamo Mission LLC (Alamo) filed a petition for expedited release of approximately 166.594 acres from Rockett Special Utility District's (RSUD) water Certificate of Convenience and Necessity (CCN) No. 10099, in Ellis County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County, which is a qualifying county.

On August 19, 2019, the Administrative Law Judge issued Order No. 1, establishing a deadline of September 16, 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 Patricia Garcia of the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by Alamo and recommends that it be found administratively complete and accepted for filing.

### **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.

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

### **IV. PROPOSED 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.

<b>Event</b>	<b>Date</b>
Order regarding administrative completeness of the Petition	Date of Order
Deadline for RSUD 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 RSUD and/or intervenors to file a response
Deadline for Alamo to file a reply to both RSUD'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 Alamo's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

Dated: September 11, 2019

Respectfully submitted,

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

Margaret Uhlig Pemberton  
Division Director

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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 September 11, 2019, in accordance with 16 TAC § 22.74.



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Steven M. Gonzalez

## PUC Interoffice Memorandum

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

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Patricia Garcia, Engineering Specialist  
Infrastructure Division

**Date:** September 6, 2019

**Subject:** **Docket No. 49863:** *Petition of Alamo Mission LLC to Amend Rockett Special Utility District's Water Certificate of Convenience and Necessity in Ellis County by Expedited Release*

On August 16, 2019, Alamo Mission, LLC (Petitioner) filed an application for expedited release from Rockett Special Utility District's (Rockett SUD) water Certificate of Convenience and Necessity No. 10099 in Ellis County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County which is a qualifying county.

The Petitioner submitted a sworn affidavit attesting that the property was not receiving water from Rockett SUD and a warranty deed confirming the Petitioner's ownership of the tract of land. In addition, the Petitioner submitted sufficient maps and digital data for determining the location of the requested release area within Rockett SUD's certificated service area. Mapping staff was able to confirm the tract of land is approximately 167 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Rockett SUD 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.