

Control Number: 49871



Item Number: 5

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DOCKET NO. 49871

**PETITION OF THE CITY OF RED §
OAK INDUSTRIAL DEVELOPMENT §
CORPORATION TO AMEND §
ROCKETT SPECIAL UTILITY §
DISTRICT'S WATER CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN DALLAS AND ELLIS COUNTIES §
BY EXPEDITED RELEASE §**

2019 SEP 23 AM 11:49
PUBLIC UTILITY COMMISSION
OF TEXAS

**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 19, 2019, the City of Red Oak Industrial Development Corporation (Red Oak) filed a petition for streamlined expedited release from Rockett Special Utility District's (Rockett SUD) water Certificate of Convenience and Necessity (CCN) No. 10099 in Dallas and Ellis Counties, under Texas Water Code § 13.254(a-5)¹ and 16 Texas Administrative Code (TAC) § 24.245(l). Red Oak asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Dallas and Ellis Counties, which are both qualifying counties.

On August 23, 2019, the Commission administrative law judge (ALJ) issued Order No. 1, whereby Staff was required to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application by September 23, 2019. Therefore, this pleading is timely filed.

¹ Staff notes SB 2272 passed during the 86th Regular Legislative Session amended TWC § 13.254(a-5) effective September 1, 2019. Red Oak's petition was filed in August 2019; therefore, the current version of TWC § 13.254 does not apply to this proceeding.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined 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. Red Oak stated in its filing that it mailed a copy of its petition to the CCN holder, Rockett SUD, by certified mail on the day the petition was filed with the Commission. Red Oak also included an affidavit attesting to this provision of notice to Rockett SUD, and Rockett SUD has filed a motion to intervene in this proceeding. 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 procedural schedule below. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines when the ALJ issues that order.

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Rockett SUD 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 Rocket SUD and/or intervenors to file a response
Deadline for Red Oak to file a reply to both Rocket SUD's response and Commission Staff's recommendation on final disposition ²	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

V. CONCLUSION

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

Dated: September 23, 2019

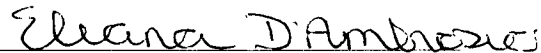
² Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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**DOCKET NO. 49871
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 23, 2019, in accordance with 16 TAC § 22.74.



Eleanor D'Ambrosio

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: September 23, 2019

Subject: **Docket No. 49871:** *Petition of the City of Red Oak Industrial Development Corporation to Amend Rockett Special Utility District's Water Certificate of Convenience and Necessity in Dallas and Ellis Counties by Expedited Release*

On August 19, 2019, the City of Red Oak Industrial Development Corporation (Petitioner) filed an application for expedited release from Rockett Special Utility District's (Rockett SUD) water Certificate of Convenience and Necessity (CCN) No. 10099 in Dallas and Ellis Counties, 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 Dallas and Ellis Counties which are both qualifying counties.

The Petitioner submitted a sworn affidavit attesting that the property was not receiving water service from Rockett SUD and a warranty deed confirming the Petitioner's ownership of the tracts of land. On September 3, 2019, the Petitioner supplemented the petition with revised maps and digital data. The revised mapping documentation submitted is sufficient for determining the location of the requested release areas within Rockett SUD's certificated service area. Mapping Staff was able to confirm that the combined acreage of the tracts of land that are owned by the Petitioner is approximately 384 acres. Staff was also able to confirm that the 74.91-acre and 10.39-acre tracts that were combined to create tract 4 are contiguous.

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.