



Control Number: 49879



Item Number: 16

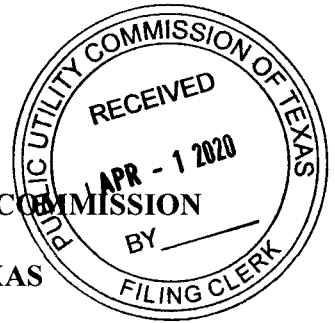
Addendum StartPage: 0

DOCKET NO. 49879

APPLICATION OF SWIFT WATER
SUPPLY CORPORATION TO AMEND
ITS WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
NACOGDOCHES COUNTY

§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS



**COMMISSION STAFF'S THIRD SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Third Supplemental Recommendation on Administrative Completeness and Proposed Notice in response to Order No. 5. Staff recommends that the application continues to be insufficient for further review. In support thereof, Staff shows the following

I. BACKGROUND

On August 21, 2019, Swift Water Supply Corporation (Swift) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11420 in Nacogdoches County. The requested area consists of approximately 3,136 acres and 62 current customers. Swift filed supplemental information on October 14, 2019, December 16, 2019, January 7, 2020 and February 10, 2020.

Order No. 5 issued on February 12, 2020, required Staff to file a supplemental recommendation on administrative completeness by April 1, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Fred Bednarski in the Commission's Rate Regulation Division, Staff has reviewed the application and supplemental information and recommends that the application be found administratively complete from a financial perspective. Staff has also reviewed the application and supplemental information from a technical perspective and, as detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, continues to recommend that it be found administratively incomplete. Therefore, Staff recommends that Swift be ordered to cure the deficiencies identified in Ms.

Garcia's memorandum by May 1, 2020, and that Staff be given a deadline of June 1, 2020 to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Swift should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

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

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application continue to be found administratively incomplete at this time, that Swift be ordered to file a supplement addressing the identified deficiencies in the application by May 1, 2020.

Dated: April 1, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ John Harrison
John Harrison
State Bar No. 24097806
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)
John.Harrison@puc.texas.gov

DOCKET NO. 49879

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 1, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison
John Harrison

PUC Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: April 1, 2020

Subject: **Docket 49879**, Application of Swift Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Nacogdoches County

On August 21, 2019, Swift Water Supply Corporation (Swift Water or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11420 in Nacogdoches County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The total service area being requested includes approximately 3,123 acres and 62 current customers.

Staff has reviewed the additional information filed by Applicant on February 10, 2020 and recommends that the application be deemed insufficient for filing and administratively incomplete. Staff found that Applicant has not provided adequate support for the need for service to the entirety of the requested area as detailed below.

TWC § 13.246(c)(2) and 16 TAC § 24.227(d)(2) require the Commission to consider the need for additional service when granting or amending a CCN. For this reason, Staff recommends that Applicant provide a copy of any developer agreements or requests for service within the portion of the requested area that has no existing customers. If this documentation is not available, Staff recommends that Applicant revise their application to limit the requested area to areas currently being served.

Public Utility Commission of Texas

Memorandum

To: John Harrison, Attorney
Legal Division

From: Fred Bednarski III, Financial Analyst
Rate Regulation Division

Subject: **Docket No. 49879**, *Application of Swift Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Nacogdoches County*

Date: April 1, 2020

On August 21, 2019, Swift Water Supply Corporation (Applicant) filed an application to amend its water Certificate of Convenience and Necessity in Nacogdoches County, Texas pursuant to Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

The applicant supplemented their application on February 10, 2020. I reviewed the answers and supplemental information provided to questions 30 and 31 of the application and did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete.

Type of Memo	Responsibility	
Rate	Filed Before 9/1/19	On or After 9/1/19
Sufficiency	Split	Split
Final Recommendation	Split	Split
Rate Design	Case by Case Basis	RRD
CCN	Filed Before Docket 50509	Docket 50509 and After
Sufficiency	Split	Split
Final Recommendation	TBD	TBD
STM	Test Case TBD	
Sufficiency	TBD	TBD
Sale Approval	TBD	TBD

As of 3/19/20