



Control Number: 49926



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**PUC DOCKET NO. 49926
SOAH DOCKET NO. 473-20-3997.WS**



**APPLICATION OF CRYSTAL CLEAR §
SPECIAL UTILITY DISTRICT FOR A §
NAME CHANGE AND TO AMEND ITS §
SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
COMAL, HAYS, AND GUADALUPE §
COUNTIES §**

PUBLIC UTILITY COMMISSION

OF TEXAS

LIST OF ISSUES

TO THE HONORABLE COMMISSIONERS:

COMES NOW, MCLB Land, LLC (“MCLB”) and files this List of Issues in response to the Order of Referral and, in support thereof, would respectfully show the following.

I. BACKGROUND

1. On September 3, 2019, Crystal Clear Special Utility District (“District”) filed an application to amend its sewer certificate of convenience and necessity (“CCN”) No. 21086 in Comal, Hays, and Guadalupe Counties.
2. On January 3, 2020, the Public Utility Commission of Texas (“Commission”) Administrative Law Judge (“ALJ”) issued Order No. 4 finding the application administratively complete and establishing a procedural schedule.
3. On January 24, 2020, the City filed an Motion to Intervene, which included a request for a hearing on the application.
4. On February 5, 2020, Carson filed a Motion to Intervene without requesting a hearing on the merits of the application.
5. On February 6, 2020, the Commission ALJ issued Order No. 5 noting that the City’s request for intervention was unopposed and the City had demonstrated a justiciable interest which may be adversely affected by the outcome of this proceeding.

6. On February 14, 2020, the Commission ALJ issued Order No. 6 granting Carson's Motion to Intervene, similarly finding Carson had demonstrated a justiciable interest.
7. On February 21, 2020, the Commission ALJ issued Order No. 7 finding notice sufficient and establishing a procedural schedule.
8. On June 16, 2020, the Commission referred this docket to the State Office of Administrative Hearings ("SOAH") requesting the assignment of a SOAH ALJ to conduct a hearing and issue a proposal for decision. The Commission's Order of Referral provided a deadline of June 29, 2020 to file a list of issues to be addressed in this docket. Therefore this pleading is timely filed.

II. LIST OF ISSUES TO BE ADDRESSED

The Commission is required to provide to the ALJ a list of issues that the ALJ must address in any proceeding referred to SOAH. MCLB has identified the following issues to be addressed in this proceeding. This list is not intended to be exhaustive, and MCLB reserves the right to address additional issues raised by other parties or that may arise in the future and are not set forth below.

1. Whether Crystal Clear Special Utility District has complied with the criteria for granting or amending a certificate of convenience and necessity in accordance with Tex. Water Code Ann. § 13.241 and 16 Tex. Admin. Code § 24.227?

MCLB supports the List of Issues filed by the District in all other respects.

III. ISSUES NOT TO BE ADDRESSED

MCLB supports the District's list of issues not to be addressed. The District is correct that the Commission is not the proper venue for the City's and Carson's water quality concerns, which the Texas Commission on Environmental Quality is considering. Moreover, Carson is not a utility with the ability to provide service to the requested area, not a landowner within the District's proposed CCN area, and not a proper party to this matter. Carson cannot be affected by the Commission's issuance of the District's proposed CCN amendment.

The City, like Carson, is not a landowner within the District proposed CCN, not a proper party to this matter, and not a utility with the ability to provide service to the requested area. The

property owners within the requested area, including MCLB, opted out of the City's CCN area and requested service from the District. Moreover, the City cannot legally provide service to the area. The property is located within the boundaries of the District, which the Legislature has granted with the authority to provide service. The City, like Carson, cannot be affected by the Commission's issuance of the District's proposed CCN amendment.

IV. THRESHOLD ISSUES TO BE BRIEFED

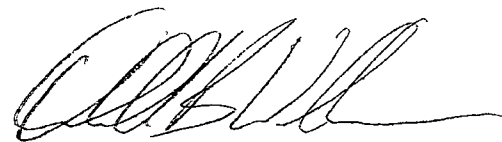
MCLB supports the District's threshold legal and policy issues. The Commission should prohibit any utility like the City from intervening in another utility's request for a CCN when the Commission has already granted the property owners request to opt out of the City's CCN area. By intervening in this matter, the City is merely trying to circumvent the Commission's prior order granting the landowner's request to opt out of the City's CCN. The Commission should also prohibit Carson from intervening in a CCN request when Carson is not a landowner within the requested area and not a utility provider.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, MCLB respectfully prays that the Commission issue an Order consistent with the issues as set forth above and in the List of Issues filed by the District.

Respectfully submitted,

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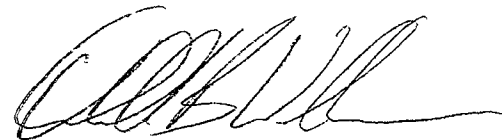


Randall B. Wilburn

ATTORNEYS FOR MCLB LAND, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via electronic mail on all parties on the 29th day of June 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.



Randall B. Wilburn