



Control Number: 50041



Item Number: 4

Addendum StartPage: 0

RECEIVED

APPLICATION OF NORTH CUSTER
ROAD PLANT TO OBTAIN A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN COLLIN
COUNTY

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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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

COMES NOW the Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Commission Staff's Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed insufficient for further review and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On September 23, 2019, North Custer Road Plant filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Collin County. The requested service area consists of 138 acres and currently has no customers.

On September 27, 2019, the Administrative Law Judge issued Order No. 1, setting a deadline of October 23, 2019, for Staff to file comments on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Staff recommends that North Custer Road Plant be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by December 6, 2019, and that Staff be given a deadline of January 7, 2020 to file a supplemental recommendation on the administrative completeness of the application. Staff notes that North Custer Road Plant 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 be found administratively incomplete at this time and that North Custer Road Plant be ordered to file a supplement addressing the identified deficiencies in the application by December 6, 2019.

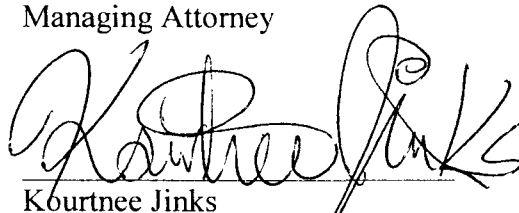
Dated: October 23, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

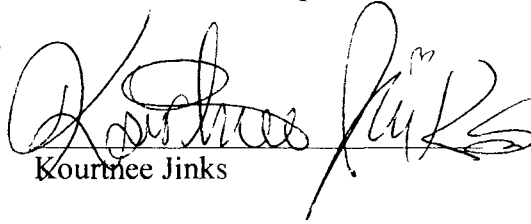
A handwritten signature in black ink, appearing to read 'Kourtnee Jinks', is written over a horizontal line.

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DOCKET NO. 50041

CERTIFICATE OF SERVICE

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


Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: October 21, 2019

Subject: **Docket No. 50041**, *Application of North Custer Road Plant to Obtain a Water Certificate of Convenience and Necessity in Collin County*

On September 23, 2019, North Custer Road Plant filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) number in Collin 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.

Staff has reviewed the information provided by the Applicant and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below.

Application Content:

1. Applicant Name

Page 2 of the application requests the applicant name. This is typically the name filed with the Secretary of State. It appears the name of the applicant should be listed as "AIRW 2017-7, L.P." as this is the name filed with the Secretary of State's office. Please confirm this is the intention of the application. The public water system name will remain as it was assigned by the Texas Commission on Environmental Quality (TCEQ).

2. Requests for Service

In response to question 9, it is stated there are no requests for service. If the applicant is changed to "AIRW 2017-7, L.P." this will not be an issue as the applicant and the developer would be the same. However, if the applicant remains as "North Custer Road Plant" there will need to be a request for service submitted in the docket from the developer.

3. Consent from the City

It is noted there is a slight overlap with the City of McKinney. Staff notes there was a streamlined expedited release request to remove this area from the City of McKinney's CCN in Docket No. 48770. However, as there is still a slight overlap, please submit a letter giving consent to the applicant to provide service within the City of McKinney's CCN or city limits.

Financial Information:

1. Provide five-year projections for costs and revenues to serve the requested area and a capital improvement plan.
2. Provide a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area, keyed to a map showing where such facilities will be located to provide service.
3. Provide supporting documentation indicating funds are available to construct and provide utility service to the requested area.

Separate from the deficiencies noted above, the Applicant must also provide the construction approval letter(s) from the TCEQ for the distribution system for the public water system.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).