

Control Number: 50041



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 50041

**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

OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this supplemental recommendation. Staff recommends that the application be deemed administratively incomplete and that the applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On September 23, 2019, North Custer Road Plant (Applicant) 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. In the supplemental filing provided on December 6, 2019, the applicant's name was changed to AIRW 2017-7, L.P.

On October 25, 2019, Order No. 2 was issued establishing a deadline of January 7, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. This pleading, therefore, is timely filed.

II. DEFICIENCY RECOMMENDATION

As detailed in the attached memorandum of Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the supplemental information and recommends that the application continue to be found administratively incomplete and deficient. Although the applicant has addressed the application issues identified in Staff's previous recommendation, filed October 23, 2019, further issues with the application were discovered in a phone call with the Staff, representatives for the Applicant, and TCEQ Staff on November 20, 2019. The applicant has yet to provide additional financial and application content as agreed to in the

2

November 20, 2019 conversation. Staff recommends that the applicant submit the requested information to resolve the deficiencies, as further detailed in the attached memorandum.

III. PROCEDURAL SCHEDULE

Staff recommends that the applicant be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by February 7, 2020 and that Staff be given a deadline of March 6, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that the applicant should not issue notice until the application is found administratively complete.

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing.

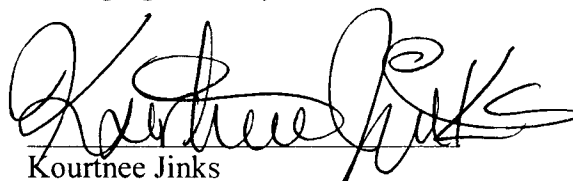
Dated: January 7, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Thomas S. Hunter
Division Director

Rachelle Nicolette Robles
Managing Attorney

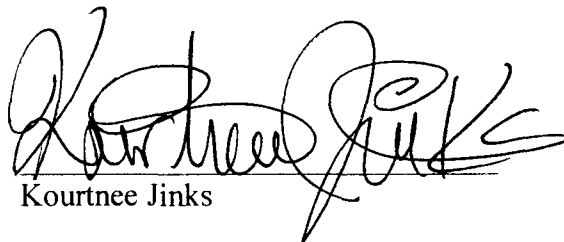
A handwritten signature in black ink, appearing to read 'Kourtnee Jinks', is written over a horizontal line.

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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 January 7, 2020, in accordance with 16 TAC § 22.74.



Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: January 6, 2020

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

On October 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. In the supplemental filing provided on December 6, 2019, the applicant name was changed to AIRW 2017-7, L.P.

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. In a phone call with the Staff, representatives for AIRW 2017-7, L.P., and TCEQ Staff on November 20, 2019, the representatives for AIRW 2017-7, L.P. stated that the customers would not be charged separately for water. In a separate call, the representative stated the customers served by the AIRW 2017-7, L.P. water system would be charged based on the area of their specific unit. Please confirm which of these statements is true.
2. If the customers are not charged separately for water, provide an updated Appendix B indicating all balances and cost to the customer are \$0.00 for the requested area.
3. Provide an explanation for the rate study and tariff submitted with the application. A tariff provides the customer the information necessary to calculate their bill. Explain how the proposed tariff allows the customer to do this.

Financial Information:

Provide bank statements that indicate that cash balances exist per the balance sheets provided for the Luxe of Prosper and the Mansions of Prosper II.

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>).