



Control Number: 50042



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**DOCKET NO. 50042**

<b>APPLICATION OF TRI TRY WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION,</b>
<b>SUPPLY CORPORATION TO OBTAIN</b>	<b>§</b>	
<b>A WATER CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>STONEWALL COUNTY</b>	<b>§</b>	

**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 insufficient and incomplete. In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 23, 2019, Tri Try Water Supply Corporation (Tri Try WSC) filed an application to obtain a water Certificate of Convenience and Necessity in Stonewall County pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.101 to 24.107.

On September 26, 2019, the Commission administrative law judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the application and proposed notice by October 23, 2019. The Commission ALJ also required the parties to file a recommendation on how to proceed with the application and to propose a procedural schedule by October 23, 2019. Therefore, this pleading is 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. Specifically, Staff has identified that Tri Try WSC's application failed to provide necessary information, including its Certificate of Account Status, its most recent approved budget, its construction approval letter(s) from the Texas Commission on Environmental Quality for a future pump station, or its financial documentation reviewed by the Stonewall County

Treasurer for 2016, 2017, and 2019. Additionally, Staff identified that a discrepancy in the connection counts listed in Tri Try WSC's application requires clarification.

### **III. PROCEDURAL SCHEDULE**

Staff recommends that the application be found administratively incomplete. Therefore, Staff recommends that a deadline of November 20, 2019, be established for Tri Try WSC to supplement its application. Additionally, Staff recommends that a deadline of December 17, 2019, be established for Staff to review Tri Try WSC's supplemental information and make a supplemental recommendation on the administrative completeness of the application.

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively incomplete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: October 22, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 22, 2019, in accordance with 16 TAC § 22.74.



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Richard Nemer

## PUC Interoffice Memorandum

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**To:** Richard Nemer, Attorney  
Legal Division

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Patricia Garcia, Engineering Specialist  
Infrastructure Division

**Date:** October 22, 2019

**Subject:** **Docket No. 50042**, *Application of Tri Try Water Supply Corporation to Obtain a Water Certificate of Convenience and Necessity in Stonewall County*

On September 23, 2019, Tri Try Water Supply Corporation (Tri Try WSC or Applicant) filed an application with the Public Utility Commission of Texas (Commission) to obtain a water certificate of convenience and necessity (CCN) in Stonewall County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 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.

Staff requests that Tri Try WSC provide the following supplemental information to address issues related to content of its present CCN application.

1. Tri Try WSC noted in its present CCN application that there was a lapse in the submission of the required "Public Information Reports" to the Secretary of State's office resulting in a Tax Forfeiture. Tri Try WSC has submitted the documentation to the Secretary of State's office to update Tri Try WSC's account status. When the Secretary of State's office reinstates Tri Try WSC's account status a copy of the Corporation's Certificate of Account Status must be submitted in this docket.
2. In Tri Try WSC's present CCN application, question numbers 6, 7, 8 and 33 indicate there are 64 connections, however question number 21 states there are 40 current connections. Please explain the discrepancy in connection counts listed in the present CCN application.
3. In the present CCN application at Attachment B, "Existing Infrastructure Map," the map identifies a future pump station site. Please provide the construction approval letter(s) from the Texas Commission on Environmental Quality for this pump station.
4. Please provide Tri Try WSC's financial documentation reviewed by the Stonewall County Treasurer for years 2016, 2017, and 2019.
5. Please provide a copy of Tri Try WSC's most recent approved budget.

Additionally, please note a copy of Tri Try WSC's tariff must be on file with the Commission upon approval of the application.

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