



Control Number: 50209



Item Number: 4

Addendum StartPage: 0

RECEIVED

PETITION OF HARLAN PROPERTIES, §
 INC. TO AMEND HIGH POINT WATER §
 SUPPLY CORPORATION'S WATER §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN KAUFMAN §
 COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

2019 DEC 11 AM 10:07
 PUBLIC UTILITY COMMISSION
 OF TEXAS
 FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND NOTICE

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

I. BACKGROUND

On November 6, 2019, Harlan Properties, Inc. (Harlan) filed a petition for streamlined expedited release from High Point Water Supply Corporation's (High Point WSC) water certificate of convenience and necessity (CCN) in Kaufman County. Harlan's application seeks the streamlined expedited release of approximately 213 acres of land within the boundaries of High Point WSC's water CCN number 10841. Harlan asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

On November 7, 2019, the Administrative Law Judge (ALJ) issued Order No. 1, establishing a deadline of December 6, 2019, for Staff to file a recommendation on the administrative completeness of the application and notice. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the mapping information, including that the warranty deed metes and bounds description includes

approximately 224 acres, not 213 acres, as stated by Harlan in its application. Staff recommends that Harlan submit the additional mapping information detailed in the attached memorandum.

III. COMMENTS ON PROCEDURAL SCHEDULE

Staff recommends that Harlan be ordered to cure the deficiencies identified in Mr. Pokhrel's memorandum by January 13, 2020, and that Staff be given a deadline of February 11, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Harlan should not issue notice until the application is found administratively complete.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Harlan be ordered to file a supplement addressing the identified deficiencies in the application by January 13, 2020.

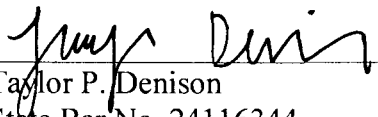
Dated: December 6, 2019

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Thomas S. Hunter
Division Director

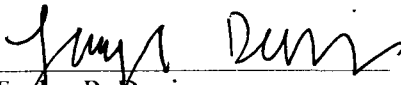
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DOCKET NO. 50209

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 6, 2019 in accordance with 16 TAC § 22.74.


Taylor P. Denison

PUC Interoffice Memorandum

To: Taylor Denison, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: December 6, 2019

Subject: **Docket No. 50209:** *Petition of Harlan Properties, Inc. to Amend High Point Water Supply Corporation's Water Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On November 6, 2019, Harlan Properties, Inc. (Petitioner) filed an application for streamlined expedited release from High Point Water Supply Corporation's (High Point WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service from the CCN holder, and is located in Kaufman County, which is a qualifying county.

Staff has reviewed the petition and recommends that it be deemed insufficient for filing and administratively incomplete due to the deficiencies in the application. The mapping documents filed by the Petitioner are deficient. The maps and digital data filed by the Petitioner do not meet the mapping requirements of 16 TAC § 24.245(m). The Petitioner submitted a warranty deed with a metes and bounds description for two tracts of land, including approximately 224 acres, not 213 acres, as stated by the Petitioner in its application. The Petitioner must file revised digital data, general location and detailed maps showing the two tracts of land found in the warranty deed for the entire subject property. It appears the Petitioner provided mapping documentation showing only a portion of the property for which it is seeking release from High Point WSC's CCN No. 10841.

Petitioner must submit the following items to resolve the deficiencies.

- 1) A revised general location map identifying only the requested area in reference to the nearest county boundary, city, or town.
- 2) A revised detailed map identifying only the requested area in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- 3) Digital mapping data for the requested area, as a single polygon record for each tract of land, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Staff recommends the Petitioner obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes at (512) 936-7187 or tracy.montes@puc.texas.gov to resolve the mapping deficiencies.