

APPLICATION OF CITY OF
BRUCEVILLE-EDDY AND ELM
CREEK WATER SUPPLY
CORPORATION FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN MCLENNAN COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, files this Commission Staff's Supplemental Recommendation on Administrative Completeness. Staff recommends that the application remains administratively incomplete. In support thereof, Staff shows the following:

I. BACKGROUND

On November 12, 2019, the City of Bruceville-Eddy (the City) and Elm Creek Water Supply Corporation (Elm Creek) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in McLennan County. The City seeks to transfer a portion of its water service area under CCN No. 11285 to Elm Creek, to be held under Elm Creek's water CCN No. 10031. The requested sale and transfer includes approximately 20 acres and 0 connections.

On December 18, 2019, Order No. 2 in this proceeding was issued, finding the application administratively incomplete and directing the Applicants to cure the deficiencies by January 13, 2020. The Applicants filed supplemental information on December 30, 2019, January 8, 2020, January 9, 2020, and January 13, 2020.

Order No. 2 also established a deadline of February 10, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for further processing, if appropriate. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel of the Commission's Infrastructure Division, Staff has reviewed the Applicants' supplemental filings and recommends that the application, as supplemented, is administratively incomplete. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Mr. Pokhrel's memorandum by March 11, 2020. Staff further recommends that Staff be given a deadline of April 10, 2020 to file a supplemental recommendation on administrative completeness of the application and to propose a procedural schedule, if appropriate. Staff notes that the Applicants should not issue notice until the application is found administratively complete.

III. CONCLUSION

Staff recommends that the application be found administratively incomplete at this time. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

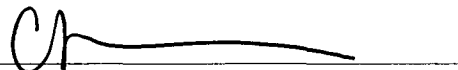
Dated: February 10, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Thomas S. Hunter
Division Director

Heath D. Armstrong
Managing Attorney

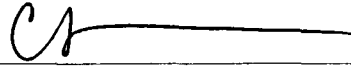


Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 50224

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 10, 2020, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to be 'CN', followed by a horizontal line.

Courtney N. Dean

PUC Interoffice Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: February 10, 2019

Subject: **Docket No. 50224** – *Application of City of Bruceville-Eddy and Elm Creek Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in McLennan County*

On November 12, 2019, Elm Creek Water Supply Corporation (Elm Creek) and the City of Bruceville-Eddy (the City) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in McLennan County under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. The Applicants seek to transfer a portion of the water service area held under the City's certificate of convenience and necessity (CCN) number 11285 to Elm Creek's CCN number 10031.

Staff has reviewed the information provided in the supplemental filing on January 8, 2020 and recommends that the mapping documentation filed in the application remains deficient. The digital data provided for the requested area is deficient. The requested area includes portions that are already certificated to Elm Creek's CCN No. 10031, which must be removed from the requested area. Also, there are portions of the requested area that were left out of the requested area for the City's CCN No. 11285, which must be added to the requested area.

In order to cure the deficiencies, Staff recommends that the Applicants provide revised digital mapping data for the requested area to be transferred to Elm Creek (CCN number 10031), provided as a single polygon records, in a shapefile (SHP) format, georeferenced in NAD83 Texas Statewide Mapping System (Meters).

Staff recommends the Applicants obtain additional mapping guidance from the Commission's mapping staff and may contact Ms. Tracy Montes at (512) 936-7187 or by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.

Technical Review

Staff also needs audited financial statements or bank statements indicating Double A Interest, LLC has the financial ability to pay for the required improvement to the requested area as indicated in the agreements filed on January 9, 2020.