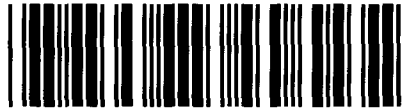


Control Number: 50224



Item Number: 4

Addendum StartPage: 0

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**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2019 DEC 12 PM 2:21

FILED
CLERK

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

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, Proposed Notice, and Procedural Schedule. Staff recommends that the application be deemed administratively incomplete. In support thereof, Staff shows the following:

I. BACKGROUND

On November 12, 2019, the City of Bruceville-Eddy (Bruceville-Eddy) 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. Bruceville-Eddy seeks to transfer a portion of its water service area held under CCN number 11285 to Elm Creek under its CCN number 10031. The requested sale and transfer includes approximately 20 acres and 0 connections.

On November 14, 2019, Order No. 1 in this proceeding was issued and established a deadline of December 12, 2019 for Staff to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule for further processing of this docket. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Roshan Pokhrel of the Commission's Infrastructure Division, recommends that it be found administratively incomplete at this time. Staff recommends the applicants 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 10, 2020 to file a supplemental recommendation on the administrative

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completeness of the application and proposed notice. Staff notes that applicants should not issue notice until the application is found administratively complete.

III. CONCLUSION

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

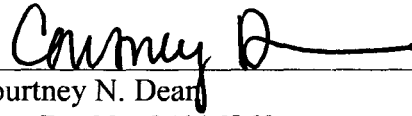
Dated: December 12, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Thomas S. Hunter
Division Director

Heath D. Armstrong
Managing Attorney

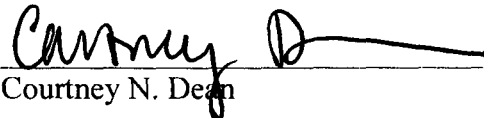


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DOCKET NO. 50224

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 12, 2019, in accordance with 16 TAC § 22.74.


Courtney N. Dean

PUC Interoffice Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: December 12, 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 (Bruceville-Eddy) (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. Applicants seek approval to transfer a portion of Bruceville-Eddy's water service area to Elm Creek.

Staff has reviewed the information provided in the application and recommends that the application be deemed administratively incomplete and not accepted for filing due to deficiencies in the application. The mapping documentation filed in the application is deficient because the digital data was not provided in a useable shapefile format. It appears that Elm Creek is proposing water facility lines that are not currently certificated to Elm Creek's certificate of convenience and necessity (CCN).¹ If Elm Creek plans to provide retail water service from the proposed facility lines, they must be included as part of the requested area to be amended in Elm Creek's CCN. If this is the case, Staff recommends the Applicants submit revised maps and digital data as detailed below, including both the requested area to be transferred from Bruceville-Eddy's CCN to Elm Creek's CCN and the proposed facility lines (plus 200 feet) to be amended in Elm Creek's CCN. Further, Elm Creek failed to provide a copy of the approval letter from the Texas Commission on Environmental Quality (TCEQ) for the construction of the proposed facility lines to serve the requested area.

In order to cure the deficiencies, Staff recommends that Applicants provide the following information:

- 1) A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town;
- 2) A 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 to be transferred and facility lines (plus 200 feet) to be amended in Elm Creek's CCN No. 10031, provided as a single polygon and polyline records, in a shapefile (SHP) format, and georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet);
- 4) State the total acreage of the requested area (facility lines plus 200 feet) to be amended in Elm Creek's CCN No. 10031, if any;
- 5) A copy of a construction approval letter from TCEQ; and
- 6) A copy of the agreement between Elm Creek and the developer to fund necessary improvements to provide water service to the requested area.

¹ Application at *Exhibit 6*.

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