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DOCKET NO. 50324

APPLICATION OF COUNTY LINE	§	PUBLIC UTILITY COMMISSION
SPECIAL UTILITY DISTRICT TO	§	
OBTAIN A SEWER CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND	§	
NECESSITY IN HAYS AND	§	
CALDWELL COUNTY	§	

**COUNTY LINE SPECIAL UTILITY DISTRICT'S
CORRECTIONS TO PROPOSED ORDER**

COMES NOW, County Line Special Utility District (County Line), by and through its undersigned attorneys of record, and hereby files these corrections to the Proposed Order distributed by Administrative Law Judge (ALJ) Siemankowski on August 31, 2021. In the ALJ's cover memorandum, he allowed parties until September 15, 2021, to file corrections or exceptions to the Proposed Order. Therefore, these corrections are timely filed. In support, County Line shows as follows.

I. CORRECTIONS

County Line generally agrees with the Findings of Fact, Conclusions of Law, and Ordering Paragraphs in the Proposed Order. However, County Line proposes the following minor corrections, with edits noted in underline or strike-throughs:

1. Introductory Paragraph—County Line would like to create a defined term for County Line Special Utility District consistent with the Proposed Order by amending the first sentence of the Proposed Order as follows: "This Order addresses the application of County Line Special Utility District (County Line SUD) for a sewer certificate of convenience and necessity (CCN) in Hays and Caldwell Counties."

2. Finding of Fact No. 12—County Line proposes to amend this finding as follows: “On July 15, 2021, the parties filed ~~an agreed a joint~~ motion to admit evidence and proposed ~~order~~ notice of approval.” On July 15, 2021, Commission Staff filed a “Joint Motion to Admit Evidence and Proposed Notice of Approval” as Item No. 38 in this Docket.

3. Finding of Fact No. 13—County Line proposes to amend this finding as follows: “In Order No. 13 filed on July 19, 2021 and Order No. 15 filed on August 20, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) County Line SUD’s application filed on December 6, 2019 . . . ”

4. Finding of Fact No. 15—County Line would like to create a defined term for Plum Creek Utility Company, LLC consistent with the Proposed Order by amending this finding as follows: “County Line SUD purchases sewer capacity from Plum Creek Utility Company, LLC (Plum Creek) to meet 100% of customer demand.”

5. Finding of Fact No. 42—County Line proposes to amend this finding as follows: “On July 28, 2021, Commission Staff filed the proposed map and certificate as attachments to its ~~supplemental joint motion to admit evidence~~ Response to Order No. 14 and Motion to Admit Evidence.” On July 28, 2021, Commission Staff filed “Commission Staff’s Response to Order No. 14 and Motion to Admit Evidence” as Item No. 41 in this Docket.

6. Ordering Paragraph No. 6—County Line proposes to remove this ordering paragraph. 16 Texas Administrative Code (TAC) § 24.25(b)(1)(B) states: “If a person applying for a CCN is not currently a retail public utility and would be under the original rate jurisdiction of the commission if the CCN application were approved, the person must file a proposed tariff with the commission. The person filing the proposed tariff must also: . . . (vi) provide notice to the commission once billing for service begins.” County Line is a district created pursuant to Texas

Water Code (TWC) Chapters 49 and 65 that provides retail water and sewer services. County Line is a retail public utility under the definition of 16 TAC §24.3(31), but is not considered a utility under 16 TAC § 24.3(39). According to TWC § 13.041, the Commission does not have original rate jurisdiction over County Line because it is not a utility. Therefore, County Line is not required by 16 TAC § 24.25(b)(1)(B)(vi) to provide notice to the Commission once billing for sewer service begins.

II. CONCLUSION

For these reasons, County Line Special Utility District respectfully requests that the Administrative Law Judge modify the Proposed Order in line with the minor corrections presented herein; grant its Petition; and grant all other and further relief to which it may be entitled.

Respectfully submitted,

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**ATTORNEYS FOR COUNTY LINE SPECIAL
UTILITY DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by electronic mail on this the 15th day of September, 2021 to the parties of record, in accordance with the Orders Suspending Rules issued in Project No. 50664.

A handwritten signature in black ink, appearing to read 'D. Klein', is written above a horizontal line.

DAVID J. KLEIN