



Control Number: 50324



Item Number: 50

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner



Greg Abbott
Governor

Thomas J. Gleeson
Executive Director

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Public Utility Commission of Texas

TO: Peter M. Lake, Chairman
Will McAdams, Commissioner
Lori Cobos, Commissioner
Jimmy Glotfelty, Commissioner

All Parties of Record

FROM: Stephen Journeay, Commission Counsel

DATE: 7 January, 2022

RE: January 13, 2022 Open Meeting – Item No. 1
Docket No. 50324; *Application of County Line Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity in Hays and Caldwell County*

A revised proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission approves the revised proposed order, I recommend the following changes.

Findings of fact five and eighteen should be modified for accuracy.

5. The application, as supplemented, requests a service area that would be comprised of 8,148 acres and has 522 current connections and 24,000 potential future connections. There are also 300 homes and business in the Uhland area that currently utilize septic systems which will be able to connected to County Line SUD's centralized wastewater system.
18. There are 300 homes and business in the Uhland area that currently utilize septic systems which will be able to connected to County Line SUD's centralized wastewater system.

New findings of fact should be added after finding of fact thirteen to reflect the Commission Counsel's memo filed on October 18, 2021, which requested the identification of evidence in the record to support finding of fact eighteen, County Line SUD's response to the Commission Counsel's memo, County Line SUD's motion to admit additional evidence, and Order No. 16 admitting additional evidence.



- XX. On October 18, 2021, the Commission Counsel filed a memorandum requesting County Line SUD to identify the record evidence reflecting requests for service for homes and businesses in Uhland or to file such additional evidence.
- XX. On October 21, 2021, County Line SUD filed a response to the Commission Counsel's memorandum and a motion to admit attachment C of its response as evidence in this proceeding.
- XX. In Order No. 16 filed on November 9, 2021, the ALJ admitted into evidence attachment C to County Line SUD's October 21, 2021 response to the Commission Counsel memorandum.

Conclusion of law three should be modified to delete the reference to 16 Texas Administrative Code §24.25(b)(1). The rule provision is applicable to utilities, and the definition of water and sewer utilities in Texas Water Code § 13.002(23) excludes political subdivisions. Because County Line SUD is a political subdivision, 16 TAC §24.25(b)(1) is not applicable in this proceeding.

3. County Line SUD's application meets the requirements of TWC § 13.244 and 16 TAC §§ ~~24.25(b)(1)~~, 24.227, and 24.233.

Conclusion of law eight should be modified to correct a typo.

8. It is not necessary for County Line SUD to provide a bond or other financial assurance under TWC § ~~13.246(b)~~ 13.246(d) and 16 TAC § 24.227(d).

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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