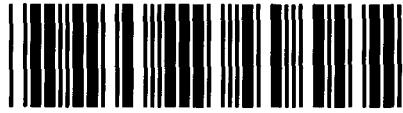


Control Number: 50405



Item Number: 4

Addendum StartPage: 0

**DOCKET NO. 50405**

RECEIVED

**PETITION OF THE SANCTUARY  
TEXAS, LLC TO AMEND AQUA  
TEXAS, INC.'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
DENTON COUNTY BY EXPEDITED  
RELEASE**

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§

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff would show the following:

**I. BACKGROUND**

On January 2, 2020, The Sanctuary Texas, LLC (Petitioner) filed a petition for expedited release from Aqua Texas, Inc.'s water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l).

On January 8, 2020, Order No. 1 was issued, establishing a deadline of February 3, 2020, for Staff to file a recommendation on administrative completeness of the application and notice. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

After review, and as detailed in the attached memorandum from Greg Charles in the Infrastructure Division, Staff recommends that the petition be found administratively incomplete. Staff recommends that the Petitioner be ordered to cure the deficiencies identified in that memorandum by February 19, 2020, and that Staff be given a deadline of March 19, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that the Petitioner should not issue notice until the application is found administratively complete.

### **III. PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

### **IV. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: February 3, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Heath Armstrong  
Managing Attorney

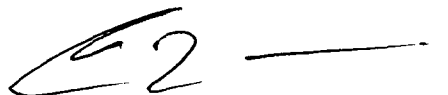


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**DOCKET NO. 50405**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 3, 2020, in accordance with 16 TAC § 22.74.



Creighton R. McMurray

## PUC Interoffice Memorandum

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**To:** Creighton McMurray, Attorney  
Legal Division

**From:** Greg Charles, Engineer  
Infrastructure Division

**Date:** February 3, 2020

**Subject:** **Docket No. 50405:** *Petition of The Sanctuary Texas, LLC to Amend Aqua Texas Inc's Water Certificate of Convenience and Necessity in Denton County by Expedited Release*

On January 2, 2020, The Sanctuary Texas, LLC (Petitioner) filed an application for expedited release from Aqua Texas, Inc.'s (Aqua) water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 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, and is located in Denton County which is a qualifying county.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively incomplete due to deficiencies detailed below:

### **Application Information:**

Please clarify whether The Sanctuary Texas, LLC is the proper party to file this petition. The affiant of Exhibit 'A', Marlon McMakin, appears to "Grant, Bargain, Sell, Transfer, Assign, and Convey" the interest in the property in question to Daniel W. Brooks in the instrument labeled Exhibit 'C'. As such, Mr. McMakin may not be the appropriate party to swear to the assertions in Exhibit 'A'.

### **Mapping Information:**

1. A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
2. A more legible 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, in 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.