



Control Number: 50442



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DOCKET NO. 50442

**PETITION OF MM WALDEN POND
LLC TO AMEND HIGH POINT
WATER SUPPLY CORPORATION'S
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
KAUFMAN COUNTY BY EXPEDITED
RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files these Comments on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On January 13, 2020, MM Walden Pond, LLC (Walden Pond) filed a petition for expedited release of the portion of its 214-acre tract that lies within the boundaries of the High Point Water Supply Corporation's (High Point) water Certificate of Convenience and Necessity (CCN) No. 10841, in Kaufman County. This petition was filed under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(*I*). Walden Pond asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

On January 14, 2020, 2019, the Administrative Law Judge issued Order No. 1, setting a deadline of February 12, 2020, for Staff to file comments on the administrative completeness of the application and the sufficiency of the proposed notice. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Elisabeth English in the Commission's Infrastructure Division, Staff has reviewed the petition for expedited release and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(l)(4)(A)(vi), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission.

Walden Ponds states in its filing that it mailed a copy of its petition to the CCN holder, High Point, by certified mail on the day the petition was filed with the Commission. Walden Ponds also included an affidavit attesting that notice was mailed to High Point. Accordingly, Staff recommends that the notice issued be found sufficient.

IV. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that finds Walden Ponds' application to be administratively complete and its notice sufficient.


Dated: February 12, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 12, 2020, in accordance with 16 TAC § 22.74.



Robert Dakota Parish

PUC Interoffice Memorandum

To: Robert Dakota Parish, Attorney
Legal Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: February 12, 2020

Subject: **Docket No. 50442**, *Petition of MM Walden Pond LLC to Amend High Point Water Supply Corporation's Water Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On January 13, 2020, MM Walden Pond, LLC. (Walden Pond), filed a request for an expedited release from High Point Water Supply Corporation's (High Point WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County. The petition is being reviewed under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(I). Walden Pond asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

Staff recommends that the petition be deemed administratively complete and accepted for filing. Walden Pond filed mapping and digital data determining the location of the tract of land within High Point WSC's CCN. The total acreage of the tract of land is approximately 213 acres. The petition included the property deed confirming Walden Pond's ownership of the tract of land subject to the petition. Walden Pond included a sworn affidavit attesting that the tract of land is not receiving water utility service from High Point WSC. Additionally, a copy of the certified mail receipt for the mailing of the petition to High Point WSC was included in the petition.

As summarized above, the petition meets the criteria set forth in TWC § 13.2541 and 16 TAC § 24.245(I).