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DOCKET NO. 50501

**APPLICATION OF KENNETH V LAND §
AND GREG COBURN FOR SALE, §
TRANSFER, OR MERGER OF §
EXEMPT UTILITY REGISTRATION §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 8, Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice. In support thereof, Staff would show the following.

I. BACKGROUND

On January 30, 2020, Kenneth V. Land (Mr. Land) and Greg Coburn (Mr. Coburn) (collectively, Applicants) filed an application for the sale, transfer, or merger STM of an exempt utility and associated registration number N0063. The application was originally filed under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. In the application, Mr. Land indicated that he intended to transfer his exempt utility and the associated registration to the current landowner, Mr. Coburn. The application includes a warranty deed filed with Comal County and states that no compensation has been exchanged.

On October 7, 2020, the administrative law judge (ALJ) filed Order No. 8, setting a November 30, 2020, deadline for Mr. Land and Mr. Coburn to file additional evidence of their intentions with regard to this docket, and a deadline of December 14, 2020 for Staff to file a supplemental recommendation regarding administrative completeness and notice. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND
NOTICE**

Order No. 7, filed September 24, 2020, required Mr. Land to file an affidavit expressly stating that he wishes to cancel his exempt utility registration. Order No. 7 also required Mr.

Coburn to formally ask for exempt registration status and provide the information required by 16 TAC § 24.229 to obtain that status.

Both parties have made the required filings. On November 23, 2020, Mr. Land filed an affidavit stating that he intended to relinquish his exempt utility registration N0063.¹ Staff therefore recommends that this affidavit is sufficient to demonstrate Mr. Land's intention to relinquish his exempt utility registration.

Mr. Coburn submitted an exempt utility registration application² on September 18, 2020.³ Mr. Coburn later supplemented his application with two detailed maps showing the area he seeks to register filed on October 26, 2020.⁴ Accordingly, and as supported by the attached memorandum of Heidi Graham in the Commission's Infrastructure Division, Staff respectfully recommends that Mr. Coburn's application be found administratively complete. The information contained in the application is sufficient for Staff to continue its review and make a recommendation on whether the application satisfies the requirements of TWC § 13.242(c) and 16 TAC § 24.229(e)(1).

Finally, Staff recommends that, Mr. Coburn has demonstrated that notice of his application for an exempt utility registration was provided to affected persons. Included with the applications were three signed "Water Service Application/Agreement[s]".⁵ Thus Staff recommends that all three existing customers have received reasonable notice as required by 16 TAC § 22.55.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Staff provides final map, tariff, and consent forms to the Applicants	January 18, 2021
Deadline for the Applicants to file signed consent forms with the Commission	February 1, 2021
Deadline for Commission Staff to file a final recommendation on final disposition, or to request a hearing	February 15, 2021

¹ Affidavit to Relinquish Exempt Utility Registration Number N0063 (Nov 23, 2020)

² Mr. Coburn's application is only available as a digital native .PDF file that is contained in the .ZIP file on the Interchange. It is not accessible in the scanned copy of the filing.

³ Submission of Well Application and Letter of Explanation (Sep. 18, 2020).

⁴ Maps of 1143 Heimer Lange and Subsequent Properties (Oct 26, 2020).

⁵ The agreements indicate that Mr. Coburn receives service from two of the three active water connections

Deadline for the Applicants to respond to Commission Staff's recommendation or request a hearing	February 22, 2021
If no disputed issues, deadline for parties to file a joint proposed fact statements, legal conclusions, and ordering paragraphs, and a request to admit evidence	March 4, 2021

IV. REQUEST TO RESTYLE THE DOCKET

Staff requests that this docket be restyled as *Application of Kenneth V. Land to Cancel an Exempt Utility Registration and Greg Coburn to Obtain an Exempt Utility Registration* to more accurately reflect the intent of the Applicants and how the Commission is processing the application.

V. CONCLUSION

Staff respectfully requests that this docket be restyled, that Mr. Land's request for relinquishment be deemed sufficient, that Mr. Coburn's application for exempt utility registration be deemed administratively complete and notice be deemed sufficient, and that the proposed procedural schedule be adopted.

Dated: December 14, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ John Harrison
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 14, 2020 in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison
John Harrison

PUC Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

From: Constance McDaniel Wyman, Director of Engineering
Infrastructure Division

Date: December 14, 2020

Subject: **Docket 50501**, *Application of Kenneth V Land and Greg Coburn for Sale, Transfer or Merger of Exempt Utility Registration*

On September 18, 2020, in response to Order No. 6, Greg Coburn (Mr. Coburn), filed an application for exempt utility registration under 16 Texas Administrative Code § 24.229(e) for a utility with less than 15 potential connections. Mr. Coburn later supplemented his application with maps filed on October 26, 2020.

Staff has reviewed the information filed by Mr. Coburn and recommends that the application be deemed sufficient for filing and administratively complete. The application states that the system, Lange Ranch Subdivision, Unit 2, Lot 1, has three active connections. The system has a total of 13 potential connections. The maps filed by Mr. Coburn reflect the same area.

A copy of the required customer notice and service rules must be provided to each current customer and to each future customer at the time they connect to the system. Mr. Coburn's application includes a "Water Service Application/Agreement" signed by each of the three customers with existing connections. Therefore, Staff does not recommend that Mr. Coburn provide any additional notice.