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DOCKET NO. 50553

**APPLICATION OF COUNTY LINE
SPECIAL UTILITY DISTRICT TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
AND TO DECERTIFY A PORTION OF
POLONIA WATER SUPPLY
CORPORATION'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
HAYS AND CALDWELL COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S FIRST SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS OF APPLICATION AND PROPOSED
PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this First Supplemental Recommendation on Administrative Completeness of Application and Proposed Procedural Schedule. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On February 14, 2020, County Line Special Utility District (County Line SUD), filed an application to amend its water certificate of convenience and necessity (CCN) No. 10292 and to decertify a portion of Polonia Water Supply Corporation's CCN number 10420 in Hays and Caldwell counties under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested service area consists of 188 acres and no existing customer connections. County Line SUD filed supplemental information on April 17, 2020.

On March 18, 2020, Order No. 2 was issued establishing a deadline of May 15, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application along with a proposed procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

County Line SUD's application continues to be administratively incomplete. As detailed in the attached memorandum from Jolie Mathis, in the Commission's Infrastructure Division, Staff

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has reviewed the application and recommends that it be found administratively incomplete at this time. Staff recommends that County Line SUD be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by June 15, 2020, and that Staff be given a deadline of July 15, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that County Line SUD should not issue notice until the application is found administratively complete.

III. COMMENTS ON 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

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that County Line SUD be ordered to file a supplement addressing the identified deficiencies in the application by June 15, 2020.

Dated: May 15, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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s/ Kourtnee Jinks
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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 May 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Jolie Mathis, Engineering Specialist
Infrastructure Division

Date: May 15, 2020

Subject: **Docket No. 50553**, *Application of County Line Special Utility District to Amend its Certificate of Convenience and Necessity and to Decertify a Portion of Polonia Water Supply Corporation's Certificate of Convenience and Necessity in Hays and Caldwell Counties*

On February 14, 2020, County Line Special Utility District (County Line SUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10292 and decertify a portion of Polonia Water Supply Corporation's (Polonia WSC) CCN No. 10420 in Hays and Caldwell Counties, Texas, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

County Line SUD currently owns and operates a Texas Commission on Environmental Quality (TCEQ) public water system (PWS) that is registered under PWS ID 1050038. The proposed amendment includes two portions of area to be incorporated into County Line SUD's CCN. The application also requests a portion of County Line SUD's CCN and a portion of Polonia WSC's CCN be decertified. The application included a request for service from the developer of a proposed subdivision named "Harmony Hills Subdivision." According to the developer's request, the area for Harmony Hills Subdivision is approximately 188 acres and has a proposed 620 residential lots and 1 commercial lot. However, County Line SUD's application states that the amendment includes only 300 proposed connections. The application does not specify which portion of the requested area is applicable to the developer's request for service. The decertification requests appear to be in an effort to align the CCNs with roadways and property lines, and to clearly delineate water service utility providers in the area.

Staff recommends that the application be found deficient and not accepted for filing.

Mapping Deficiencies:

Staff recommends that the digital data filed on April 17, 2020 is deficient because the portion of the requested area that is dually certificated with County Line SUD and Polonia WSC does not accurately align along boundaries of Polonia WSC's CCN No. 10420.

Staff recommends that County Line SUD submit the following items to resolve the mapping deficiencies:

- Revised digital data for the requested areas each provided as a single polygon record, in a shapefile (SHP) format, georeferenced in NAD83 Texas Statewide Mapping System (Meters).

Staff recommends the Applicant obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes at (512) 936-7187 or tracy.montes@puc.texas.gov to resolve the mapping deficiencies.