



Control Number: 51031



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DOCKET NO. 51031

**APPLICATION OF COUNCIL CREEK §
VILLAGE, INC. DBA COUNCIL §
CREEK VILLAGE DBA SOUTH §
COUNCIL CREEK 2 AND CSWR §
TEXAS UTILITY OPERATING §
COMPANY, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BURNET COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION 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 this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed administratively incomplete and that the applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On July 8, 2020, Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 (Council Creek) and CSWR Texas Utility Operating Company, LLC (CSWR) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Burnet County. Supplemental application materials were filed on July 14, 20, and 29, 2020 and August 7, 2020.

On July 16, 2020, Order No. 1 was issued, setting a deadline of August 10, 2020 for Staff to file comments on the administrative completeness of the application and proposed notice and to file a recommendation regarding how to proceed with the application and propose a procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the application and mapping content. Staff requests that the Applicants be ordered to submit additional application content and mapping content, as further detailed in the attached memorandum.

III. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by September 10, 2020, and that Staff be given a deadline of October 9, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that the Applicants should not issue notice until the application is found administratively complete. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be found administratively incomplete at this time, and that the Applicants be ordered to file a supplement addressing the identified deficiencies in the application by September 10, 2020.

Dated: August 10, 2020

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Megan Chalifoux
Megan Chalifoux
State Bar No. 24073674
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
megan.chalifoux@puc.texas.gov

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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 August 10, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

*/s/ Megan Chalifoux*_____

Megan Chalifoux

PUC Interoffice Memorandum

To: Megan Chalifoux, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: August 10, 2020

Subject: **Docket No. 51031**, *Application of Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 and CSWR Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*

On July 8, 2020, CSWR Texas Utility Operating Company, LLC (CSWR or Purchaser) and the Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2 (Council Creek or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Burnet County, Texas, pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, seeks approval to acquire facilities and to transfer all of Council Creek's water Certificate of Convenience and Necessity (CCN) No. 11118.

Staff has reviewed the information provided by the Applicant and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

Provide the following:

- A list of all affiliated organizations and explain the affiliate's business relationship with the applicant.
- The exact address for the location to view the map to enter into the notice for publication.

Mapping Content:

The general location and detailed maps filed in the application are deficient. The maps do not clearly show the requested area in reference to the nearest city, or town, or in reference to verifiable man-made and natural landmarks, such as roads and rivers. Staff recommends that the Applicant include original PDF versions, rather than scanned versions of each map, in order to maintain the quality of each map.

Applicant must submit the following items to resolve the mapping deficiencies:

- A revised general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A revised detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

Technical Information:

Provide documentation showing the active violations listed in the Texas Commission on Environmental Quality's Drinking Water Watch database for the public water systems (PWS) associated with Council Creek Village, LLC, (PWS ID: 0270014) and South Council Creek 2 (PWS ID: 0270080) have been addressed and returned to compliance.