



Control Number: 51044



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**DOCKET NO. 51044**

**PETITION OF FCS LANCASTER, LTD. §  
TO AMEND ROCKETT SPECIAL §  
UTILITY DISTRICT'S CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN DALLAS COUNTY BY EXPEDITED §  
RELEASE §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND SUFFICIENCY OF 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 petition be found administratively complete and that notice be deemed sufficient. In support thereof, Staff would show the following:

**I. BACKGROUND**

On July 13, 2020, FCS Lancaster, LTD (FCS Lancaster) filed a petition to amend Rockett Special Utility District's (Rockett SUD) water certificate of convenience and necessity (CCN) in Dallas County by streamlined expedited release under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.254(h). FCS Lancaster seeks the release of two tracts of land, the first approximately 35 acres and the second approximately 121 acres, within the boundaries of Rockett SUD's water CCN No. 10099. Supplemental materials were filed by FCS Lancaster on November 12, 2020.

On November 5, 2020, Order No. 5 was filed, requiring Staff to file a recommendation on the administrative completeness of FCS Lancaster's petition and the sufficiency of notice by November 20, 2020. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

After review, and as detailed in the attached memorandum from Patricia Garcia of the Commission's Infrastructure Division, Staff recommends that the petition, as supplemented, be found administratively complete. This recommendation is not a comment on the merits of the petition, but only that the petition content is complete for further processing.

### **III. NOTICE**

Under 16 TAC § 24.245(h)(3), 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. FCS Lancaster states in its filing that it mailed a copy of its petition to the CCN holder, Rockett SUD, by certified mail on July 10, 2020. FCS Lancaster also included an affidavit attesting to this provision of notice to Rockett SUD. On August 3, 2020, Order No. 2 was filed, granting Rockett SUD intervenor status. Accordingly, Staff recommends that the notice be found sufficient.

### **IV. CONCLUSION**

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

Dated: November 18, 2020

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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/s/ Creighton R. McMurray  
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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 on November 18, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray  
Creighton R. McMurray

# *Public Utility Commission of Texas*

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## **Memorandum**

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

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** November 18, 2020

**RE:** Docket No. 51044 – *Petition of FCS Lancaster, Ltd. to Amend Rockett Special Utility District's Certificate of Convenience and Necessity in Dallas County by Expedited Release*

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On July 13, 2020, FCS Lancaster, Ltd. (FCS Lancaster) filed a petition for streamlined expedited release from Rockett Special Utility District's (Rockett SUD) water certificate of convenience and necessity (CCN) No. 10099 in Dallas County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). FCS Lancaster asserts that its two separate pieces of land are each at least 25 contiguous acres, are not receiving water service, and are located in Dallas County, which is a qualifying county.

FCS Lancaster submitted a sworn affidavit attesting that the properties were not receiving water service from Rockett SUD and a warranty deed confirming FCS Lancaster's ownership of both tracts of land. In addition, FCS Lancaster submitted sufficient maps and digital data to determine the location of the requested release areas within Rockett SUD's certificated service area. Gary Horton, Infrastructure Division, and I have confirmed that the two tracts of land are approximately 35 acres and approximately 121 acres respectively, the properties are not receiving water service, and that FCS Lancaster owns both tracts of land.

The petition includes a statement indicating that a copy of the petition was sent via certified mail to Rockett SUD on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton, and my technical and managerial review of the information provided by FCS Lancaster on July 13, 2020 and November 12, 2020, I recommend that the petition be deemed administratively complete and accepted for filing.