

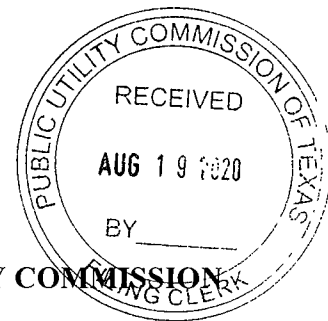


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DOCKET NO. 51084

**PETITION OF AMERICUS HOLDINGS, §
LTD. TO AMEND GULF COAST §
WASTE DISPOSAL AUTHORITY'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN CHAMBERS §
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On July 20, 2020, Americus Holdings, Ltd. (Americus Holdings) filed a petition for streamlined expedited release of 187.099 acres within the boundaries of Gulf Coast Waste Disposal Authority's (GCWDA) sewer certificate of convenience and necessity (CCN) No. 20465 in Chambers County under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Americus Holdings asserts that the tract of land is at least 25 acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county. Americus Holdings supplemented its petition on July 31, 2020.

On July 21, 2020, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the application and notice by August 19, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Americus Holdings and, as detailed in the attached memorandum from Reginald Tuvilla, Infrastructure Division, recommends that it be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that the application content is complete for further processing.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the landowner filed the petition with the Commission.

Americus Holdings stated in its filing that it mailed a copy of its petition to the CCN holder, GCWDA, by certified mail on the day the petition was filed with the Commission. Americus Holdings also included an affidavit attesting to the provision of notice to GCWDA. Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below proposed procedural schedule be adopted. Under TWC § 13.2541(c), there is an expedited statutory deadline of 60 days after the date the landowner files the petition.¹ Therefore, Staff requests that the ALJ adopt the following deadlines accordingly:

Event	Date
Deadline for Americus Holdings and/or intervenors to file a response to the administratively complete petition	August 26, 2020
Deadline for Commission Staff's recommendation on final disposition	September 11, 2020
Deadline for GCWDA to file a reply to both Americus Holdings's response and Commission Staff's recommendation on final disposition ²	September 25, 2020

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued finding Americus Holdings' application administratively complete, finding notice sufficient, and adopting the above proposed procedural schedule.

¹ Under 16 TAC § 24.8(d), applications under subchapter H of chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete.

² Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Dated: August 19, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 19, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison
Taylor P. Denison

PUC Interoffice Memorandum

To: Taylor Denison, Attorney
Legal Division

From: Reginald Tuvilla, Infrastructure Analyst
Infrastructure Division

Date: August 19, 2020

Subject: **Docket No. 51084:** *Petition of Americus Holdings, Ltd. to Amend Gulf Coast Waste Disposal Authority's Certificate of Convenience and Necessity in Chambers County by Expedited Release*

On July 20, 2020, Americus Holdings, Ltd. (Petitioner) filed a petition for streamlined expedited release from Gulf Coast Waste Disposal Authority's (GCWDA) Sewer Certificate of Convenience and Necessity (CCN) No. 20465 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county.

The Petitioner provided documentation which included a sworn affidavit attesting that the property is not receiving sewer services from GCWDA and a warranty deed confirming the Petitioner's ownership of the tract of land. In addition, the Petitioner submitted sufficient maps and digital data for determining the location of the requested release area within GCWDA's certificated service area. Mapping Staff was able to confirm that the tract of land is approximately 187 acres.

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

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.