

Control Number: 51158



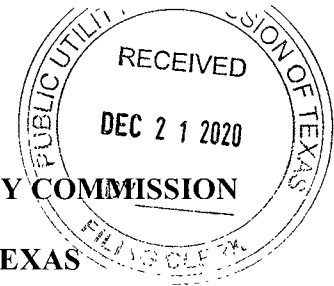
Item Number: 21

Addendum StartPage: 0

DOCKET NO. 51158

PETITION OF JOHNSTON & ASSOCIATES, LLP AND FRANK CARVALHO TO AMEND MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN JOHNSON COUNTY BY STREAMLINED EXPEDITED RELEASE §
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION OF TEXAS



COMMISSION STAFF'S RESPONSE TO PETITIONERS' CLARIFICATIONS

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Petitioners' Clarifications. In support thereof, Staff respectfully shows the following:

I. BACKGROUND

On August 11, 2020, Johnston & Associates, LLP (Johnston) and Frank Carvalho (Carvalho) (collectively, Petitioners) filed a petition for streamlined expedited release to amend Mountain Peak Special Utility District's (MPSUD) water Certificate of Convenience and Necessity (CCN) No. 10908 in Johnson County, pursuant to Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h) (Petition). Petitioners assert that the tract of land in question is at least 25 contiguous acres, is not receiving water service, and is located in Johnson County, which is a qualifying county.

On November 20, 2020, the administrative law judge (ALJ) filed Order No. 8, establishing a deadline of December 21, 2020 for Staff to file a response to Petitioners' clarifications in response to Order No. 8. Therefore, this pleading is timely filed.

II. STAFF'S RESPONSE

Staff has reviewed the Petitioners' clarificatory response and exhibits filed on December 8, 2020¹ and recommends that the Petitioners have provided the required information and documentation outlined in Order No. 7. In Order No. 7, the ALJ found the petition deficient on the basis that there were discrepancies between the Petitioners' names on the recorded deeds filed

¹ Response of Johnston & Associates, L.L.P. and Frank Carvalho to Order No. 8 (Dec. 8, 2020) (Response).

with the Petition and Texas Secretary of State (Texas SoS) registration records. In their Response, the Petitioners supplied both an explanation and documentation as to any discrepancy between the warranty deeds submitted with the Petition and Texas SoS records. Specifically, Exhibit 1 to the Response, the Certificate of Filing of Johnston & Associates, LLP and Registration of a Limited Liability Partnership, shows that Johnston & Associates, L.L.P. is a registered limited liability partnership in Texas, as of December 2, 2020.² The Petitioners clarified that Johnston & Associates, L.L.P. was originally registered with the Texas SoS in 2004, and that Petitioners were unaware that the registration expired on December 30, 2010.³ The Petitioners were informed of this lapse in registration following issuance of Order No. 7.⁴

Further, the Warranty Deed⁵ granting Johnston & Associates, LLP an interest in the land at issue in this docket is dated December 14, 2005, and is consistent with Johnston & Associates, LLP's original registration date of December 30, 2004 and the name and type of legal entity registered with the Texas SoS.

III. CONCLUSION

On the aforementioned basis, Staff respectfully recommends that Petitioners' Response be deemed sufficient for further processing of this docket and that an order be issued consistent with the foregoing recommendation.

² Response at 5-6.

³ *Id* at 2.

⁴ *Id*

⁵ Petition at 10.

Dated: December 21, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath Armstrong
Managing Attorney

/s/ Justin C. Adkins
Justin C. Adkins
State Bar No. 24101070
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7289
(512) 936-7268 (facsimile)
Justin.Adkins@puc.texas.gov

**DOCKET NO. 51158
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 21, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins
Justin C. Adkins