



Control Number: 51166



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**DOCKET NO. 51166**

**PETITION OF COLORADO RIVER  
PROJECT, LLC TO AMEND SWWC  
UTILITIES, INC. DBA HORNSBY  
BEND UTILITY'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
TRAVIS COUNTY BY EXPEDITED  
RELEASE**

**§ PUBLIC UTILITY COMMISSION  
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§  
§ OF TEXAS  
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§**

**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. 3, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 13, 2020, Colorado River Project, LLC (CRP) filed a petition to amend SWWC Utilities, Inc. dba Hornsby Bend Utility's (Hornsby Bend) certificates of convenience and necessity (CCNs) in Travis County by streamlined expedited release. CRP seeks the expedited release of the portion of the 2,122.27 acres owned by CRP that lies within the boundaries of Hornsby Bend's water CCN number 11978 and sewer CCN number 20650. CRP filed supplemental information on August 31, 2020 and September 9, and 17, 2020.

In Order No. 3, issued September 14, 2020, Staff was directed to file a recommendation on sufficiency of the petition by September 28, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined expedited release and recommends that it be found administratively complete.

### III. NOTICE SUFFICIENCY

Under 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F), 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 with the Commission.

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

### IV. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under Texas Water Code (TWC) § 13.2541(c), there is an expedited statutory deadline of 60 days for approval that begins once the administrative law judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

<b>Event</b>	<b>Date</b>
Deadline for responses to the administratively complete petition	October 28, 2020
Deadline for Commission Staff's recommendation on final disposition	November 11, 2020
Deadline for Hornsby Bend to file a reply to both CRP's response and Commission Staff's recommendation on final disposition <sup>1</sup>	November 18, 2020

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<sup>1</sup> Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

**V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued finding CRP's petition to be administratively complete and its notice sufficient and adopting the proposed procedural schedule.

Dated: September 28, 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 September 28, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

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

**DATE:** September 28, 2020

**RE:** Docket No. 51166 – *Petition of Colorado River Project, LLC to Amend SWWC Utilities, Inc. dba Hornsby Bend Utility’s Certificate of Convenience and Necessity in Travis County by Expedited Release*

On August 13, 2020, Colorado River Project, LLC (CRP) filed an application for streamlined expedited release from SWWC Utilities, Inc. dba Hornsby Bend Utility’s (Hornsby Bend) water and sewer Certificate of Convenience and Necessity (CCN) Nos. 11978 and 20650 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). CRP asserts that the land is at least 25 contiguous acres, is not receiving water or sewer service, and is located in Travis County, which is a qualifying county.

CRP submitted a sworn affidavit attesting that the property was not receiving water or sewer from Hornsby Bend and a warranty deed confirming CRP’s ownership of the tracts of land comprising the area to be released. In addition, CRP submitted maps on September 9, 2020 and digital data on September 17, 2020 that is sufficient for the purpose of determining the location of the requested release area within Hornsby Bend’s certificated service areas. Mapping Staff was able to confirm the tracts of land comprising the area to be released total approximately 2,122.27 acres.

The petition also includes a statement indicating that a copy of the petition was sent via certified mail to Hornsby Bend on August 13, 2020, the same date the petition was filed with the Commission.

On August 17, 2020, Hornsby Bend submitted a request to intervene in the docket. The request was granted on September 3, 2020.

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