



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  
OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 4, files this Supplemental Recommendation on Administrative Completeness. Staff recommends that the petition 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 properties owned by CRP that lie 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, 17, and 29, 2020.

In Order No. 4, filed September 30, 2020, CRP was directed to file an amended application or confirm its intent to stand by its current application and provide explanatory briefing. CRP filed an amended petition on October 9, 2020 and a supplement to the amended petition on October 29, 2020. Order No. 4 also directed Staff to provide a supplemental recommendation on the completeness of the application and, if applicable, respond to any briefing by CRP. 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 amended petition for streamlined expedited release

and recommends that it be found administratively complete. The amended petition now clearly indicates that CRP is seeking release of Tract 1 only, which consists of 1,369.83 acres.

### 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 October 29, 2020 filing that it mailed a copy of its amended petition and supplement to the amended petition to the CCN holder, Hornsby Bend, by certified mail. 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) and 16 TAC § 24.245(h)(7), 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 adjust the following deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for responses to the administratively complete petition	November 30, 2020
Deadline for Commission Staff's recommendation on final disposition	December 11, 2020
Deadline for CRP to file a reply to both Hornsby Bend's response and Commission Staff's recommendation on final disposition <sup>1</sup>	December 18, 2020

### V. CONCLUSION

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

**Dated: November 4, 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 November 4, 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:** November 4, 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*

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Colorado River Project, LLC (CRP) filed a petition for streamlined expedited release from SWWC Utilities, Inc. dba Hornsby Bend Utility's (Hornsby Bend) water certificate of convenience and necessity (CCN) No. 11978 and sewer CCN No. 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 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 tract of land. On October 9, 2020, CRP filed clarification indicating that CRP owns five tracts of land as shown in the warranty deed that total approximately 2,122.27 acres. However, CRP is only seeking the release of the property designated as Tract 1, that includes approximately 1,369.83 acres from Hornsby Bend's CCN Nos. 11978 and 20650. The amended petition was supplemented by a filing on October 29, 2020 containing a sworn affidavit indicating that CRP only sought the release of Tract 1. The supplement further indicates that all parties to the proceeding were noticed with the updated request. The requested area Tract 1 to be released from Hornsby Bend's water CCN No. 11978 includes approximately 1,322.36 acres. The requested area Tract 1 to be released from Hornsby Bend's sewer CCN No. 20650 includes approximately 1,331.62 acres. Tracy Montes, Infrastructure Division, determined the maps filed on September 9 and September 29, 2020, along with the digital data filed on September 17, 2020 are sufficient for determining the location of Tract 1 for the release from Hornsby Bend's CCNs.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by CRP, I recommend the amended petition be deemed administratively complete and accepted for filing.