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DOCKET NO. 51170

APPLICATION OF THE CITY OF § PUBLIC UTILITY COMMISSION
SWEETWATER TO AMEND A §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN NOLAN COUNTY §

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

On August 14, 2020, the City of Sweetwater (Sweetwater) filed an application to amend a water certificate of convenience and necessity (CCN) and for dual certification with Bitter Creek Water Supply Corporation (collectively, the Applicants) in Nolan County, Texas.

On March 10, 2021 the administrative law judge filed Order No. 6, severing this docket into two dockets¹ and directing that this docket address Sweetwater's request to add 234 acres of uncertificated land and one customer connection to its CCN number 10228 in Nolan County. Order No. 6 also established a deadline of April 9, 2021 for Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation on the administrative completeness of this application and to propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum of Patricia Garcia of the Infrastructure Division, recommends that it be found administratively incomplete at this time. Specifically, Staff has identified deficiencies in the mapping content. Staff requests that the Applicants be ordered to submit additional mapping content and information, as further detailed in the attached memorandum.

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation on administrative completeness, Staff does not propose a procedural schedule for the further processing of this docket at this time. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Garcia's

¹ This docket and *Application of the City of Sweetwater for Dual Certification with Bitter Creek Water Supply Corporation in Nolan County*, Docket No. 51882 (pending).

memorandum by May 9, 2021, and that Staff be given a deadline of June 9, 2021, to file a second supplemental recommendation on the administrative completeness of the application.

III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be deemed administratively incomplete and that the Applicants file a supplement addressing the identified deficiencies in the application by May 10, 2021.

Dated: April 9, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Justin C. Adkins
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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 April 9, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664

/s/ Justin C. Adkins
Justin C. Adkins

Public Utility Commission of Texas

Memorandum

TO: Justin Adkins, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: April 9, 2021

RE: Docket No. 51170 – *Application of the City of Sweetwater to Amend a Certificate of Convenience and Necessity in Nolan County*

On August 14, 2020, the City of Sweetwater (Sweetwater) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 10228 and for dual certification with a portion of Bitter Creek Water Supply Corporation's (Bitter Creek WSC) CCN No. 11149 in Nolan County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

On March 2, 2021, Sweetwater submitted a Motion for Severance, seeking to sever this docket into two separate proceedings.¹ The Motion for Severance was granted by the Administrative Law Judge on March 10, 2021.² The total requested area for this docket includes 234 acres of land that is not certificated to any entity. This number is subject to change after a mapping review. The requested area includes one landowner requesting service from Sweetwater.

Based on the mapping review performed by Gary Horton, Infrastructure Division, and my technical and managerial review of the additional information filed by Sweetwater on March 2, 2021 and the granted Motion for Severance, I recommend that the application be deemed administratively incomplete and not accepted for filing, as new mapping data is required including only the 234 acres being requested in this docket. In order to correct this deficiency, I recommend Sweetwater file the information below:

Mapping Content:

1. Provide updated maps (general location and detailed map) and corresponding digital data (polygon shapefile) for each of the areas being requested in this docket.

¹ City of Sweetwater's Motion for Severance (Mar. 2, 2021).

² Order No. 6 (Mar. 10, 2021).