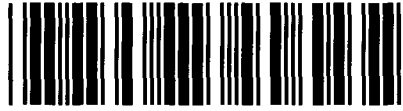




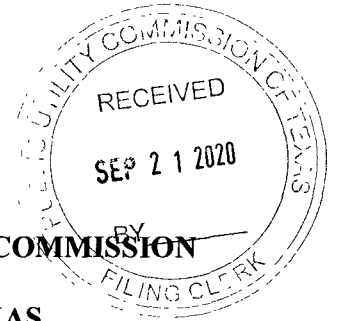
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DOCKET NO. 51199



**PETITION OF TRINITY BAY
CONSERVATION DISTRICT AND GULF
COAST AUTHORITY FOR APPROVAL
OF SERVICE AREA CONTRACT UNDER
TEXAS WATER CODE § 13.248 AND TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
CHAMBERS COUNTY**

**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 and that notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On August 20, 2020, Trinity Bay Conservation District (Trinity Bay) and Gulf Coast Authority (Gulf Coast) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Certificates of Convenience and Necessity (CCN) Nos. 20399 and 20465 in Chambers County. The Petitioners seek approval to transfer a portion of Gulf Coast’s sewer CCN No. 20465 to Trinity Bay’s sewer CCN No. 20399 for retail sewer utility service. The Petitioners’ service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253. The requested area is approximately 65,643 acres and has no current connections.

On August 25, 2020, the Administrative Law Judge issued Order No. 1, establishing a deadline of September 21, 2020 for Staff to file comments on the administrative completeness of the application, sufficiency of notice, and to propose a procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition, and as detailed in the attached memorandum of Alicia Maloy, of the Commission's Infrastructure Division, Staff recommends that the petition satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that the petition be deemed administratively complete.

III. NOTICE

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority's board decides to enter into a contract at a duly posted meeting, then the meeting agenda and minutes of the meeting can serve as notice. The meeting agendas and minutes for the applicable Trinity Bay and Gulf Coast meetings were filed as notice of the petition. Affidavits attesting to notice, signed by representatives from both Trinity Bay and Gulf Coast, were also filed with the petition. Staff also recommends that individual notice under 16 TAC § 24.253(c)(1) is not required because the service area to be transferred does not contain any existing connections served by Gulf Coast.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's sufficiency recommendation, Staff proposes the following procedural schedule for further processing of this docket:

Event	Deadline
Deadline for intervention	October 5, 2020
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	November 5, 2020
Deadline for Petitioners to file signed consent forms with the Commission	November 19, 2020
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	December 3, 2020

If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors in Texas Water Code § 13.246(c), and conclusions of law	December 10, 2020
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V. CONCLUSION

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

Dated: September 21, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D' Ambrosio
Managing Attorney

/s/ Daniel Moore
Daniel Moore
State Bar No. 24116782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7465
(512) 936-7268 (facsimile)
Daniel.Moore@puc.texas.gov

DOCKET NO. 51199

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 21, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore

Daniel Moore

Public Utility Commission of Texas

Memorandum

To: Daniel Moore, Attorney
Legal Division

From: Alicia Maloy, Senior Infrastructure Analyst
Infrastructure Division

Date: September 21, 2020

Subject: **Docket No. 51199:** *Petition of Trinity Bay Conservation District and Gulf Coast Authority for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Chambers County*

On August 20, 2020, Trinity Bay Conservation District (Trinity Bay) and Gulf Coast Authority (Gulf Coast) (collectively, Petitioners) filed a petition for approval of a contract designating Certificate of Convenience and Necessity (CCN) service areas under Texas Water Code (TWC) § 13.248, to amend Trinity Bay's sewer certificate of convenience and necessity (CCN) No. 20399 and Gulf Coast's sewer CCN No. 20465 in Chambers County, Texas. The Petitioners have executed an Interlocal Agreement that would transfer a portion of Gulf Coast's sewer CCN to Trinity Bay. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Trinity Bay and Gulf Coast entered into a contractual agreement which transfers a portion of Gulf Coast's sewer CCN to Trinity Bay. The Petitioners will not transfer assets or facilities under the terms of the agreement. The sewer service area the Petitioners contracted to transfer consists of approximately 65,643 acres and does not contain any customers currently served by Gulf Coast.

The Petitioners provided documentation in their petition to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Trinity Bay and Gulf Coast submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Petitioners also provided an affidavit attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

On September 15, 2020, the Petitioners submitted additional mapping information. Staff has reviewed the petition and the mapping information and recommends the petition be deemed administratively complete and sufficient for filing.