

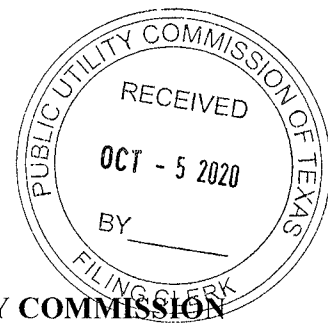


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**DOCKET NO. 51249**

**PETITION OF CROOK ROSE, INC. TO §  
AMEND LINDALE RURAL WATER §  
SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN SMITH COUNTY §  
BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS  
AND NOTICE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files these comments on administrative completeness and notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff would show the following:

**I. BACKGROUND**

On September 3, 2020, Crook Rose, Inc. (Crook Rose, Petitioner) filed a petition for streamlined expedited release from Lindale Rural Water Supply Corporation's (Lindale Rural) Water Certificate of Convenience and Necessity (CCN) No. 10758 in Smith County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Crook Rose asserts that the tract of land is at least 25 acres, is not receiving sewer service, and is in Smith County, which is a qualifying county.

In Order No. 1, issued September 8, 2020, Staff was directed to file comments on the administrative completeness of the petition and notice by October 5, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition for streamlined expedited release filed by Crook Rose and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that it be found administratively complete.

### **III. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(l)(4)(A)(vi), 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.

Petitioners state in its filing that it mailed a copy of its petition to the CCN holder, Lindale Rural, by certified mail on the day the petition was filed with the Commission. Petitioners also included an affidavit attesting to this provision of notice to Lindale Rural. 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 TWC § 13.254(a-6), 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	November 5, 2020
Deadline for Commission Staff's recommendation on final disposition	November 19, 2020
Deadline for Lindale Rural to file a reply to both Petitioner's response and Commission Staff's recommendation on final disposition <sup>1</sup>	November 26, 2020

### **V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Petitioners' application to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

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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.

Dated: October 5, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

/s/ Taylor Kilroy  
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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 October 5, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor Kilroy  
Taylor Kilroy

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Taylor Kilroy, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** September 29, 2020

**RE:** Docket No. 51249 – *Petition of Crook Rose, Inc. to Amend Lindale Rural Water Supply Corporation's Certificate of Convenience and Necessity in Smith County by Expedited Release*

On September 3, 2020, Crook Rose, Inc. (Crook Rose or Petitioner) filed an application for expedited release from Lindale Rural Water Supply Corporation's (Lindale Rural) water Certificate of Convenience and Necessity (CCN) No. 10758 in Smith County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Crook Rose asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Smith County, which is a qualifying county.

Crook Rose submitted a sworn affidavit attesting that the property was not receiving water from Lindale Rural and a warranty deed confirming Crook Rose's ownership of the tract of land. In addition, Crook Rose submitted sufficient maps and digital data for determining the location of the requested release area within Lindale Rural's certificated service area. Mapping Staff was able to confirm the tract of land is approximately 69 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Lindale Rural on the date the petition was filed with the Commission.

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