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DOCKET NO. 51355

**PETITION OF LDG001, LLC TO
AMEND MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT'S CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN JOHNSON COUNTY BY
EXPEDITED RELEASE**

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**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 22, 2020, LDG001, LLC (LDG001) filed a petition for streamlined expedited release from Mountain Peak Special Utility District's (Mountain Peak) Water Certificate of Convenience and Necessity (CCN) number 10908 in Johnson County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). LDG001 asserts that the tract of land is at least 25 acres, is not receiving sewer service, and is in Johnson County, which is a qualifying county.

In Order No. 1, issued September 23, 2020, Staff was directed to file comments on the administrative completeness of the petition and notice by October 22, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition for streamlined expedited release filed by LDG001 and, as detailed in the attached memorandum from Alicia Maloy of the Commission's Infrastructure Division, recommends that it be found administratively complete.

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III. NOTICE SUFFICIENCY

Under 16 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. LDG001 states in its filing that it mailed a copy of its petition to the CCN holder, Mountain Peak, by certified mail on the day the petition was filed with the Commission. LDG001 also included an affidavit attesting to this provision of notice to Mountain Peak. 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 § 13.2541(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 populate the following deadlines accordingly.

Event	Date
Deadline for responses to the administratively complete petition	November 23, 2020 ¹
Deadline for Commission Staff's recommendation on final disposition	December 7, 2020
Deadline for Mountain Peak to file a reply to both LDG001's response and Commission Staff's recommendation on final disposition ²	December 14, 2020

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds LDG001's application to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

¹ Pursuant to 16 TAC § 22.4(a) because November 22, 2020 falls on a Sunday, the Commission is closed for business, and therefore, November 23, 2020 should be the deadline.

² 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 22, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Megan Chalifoux

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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 22, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux

Megan Chalifoux

Public Utility Commission of Texas

Memorandum

TO: Megan Chalifoux, Attorney
Legal Division

FROM: Alicia Maloy, Senior Infrastructure Analyst
Infrastructure Division

DATE: October 22, 2020

RE: Docket No. 51355 – *Petition of LDG001 to Amend Mountain Peak Special Utility District's Water Certificate of Convenience and Necessity in Johnson County by Expedited Release*

On September 22, 2020, LDG001 filed an application for expedited release from Mountain Peak Special Utility District's (Mountain Peak) water certificate of convenience and necessity (CCN) No. 10908 in Johnson County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code § 24.245(h). On September 30, 2020, LDG001 submitted additional mapping digital data. LDG001 asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Johnson County, which is a qualifying county.

LDG001 submitted a sworn affidavit attesting that the property was not receiving water service from Mountain Peak and a warranty deed confirming the LDG001's ownership of the tract of land. In addition, LDG001 submitted sufficient maps and digital data for determining the location of the requested release area within Mountain Peak's certificated service area. Gary Horton, GIS Specialist, Infrastructure Division, was able to confirm the tract of land is approximately 48 acres.

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

Based on my review of the information provided by LDG001 and the review of maps and digital data by Gary Horton, I recommend the petition be deemed administratively complete and accepted for filing.