



Control Number: 51367



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**DOCKET NO. 50969**



**APPLICATION OF JAMES NELSON  
DBA WATERCO TO OBTAIN A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MONTAGUE COUNTY**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER NO. 3  
FINDING APPLICATION REMAINING INSUFFICIENT AND  
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

This Order addresses the administrative completeness of the application filed on June 23, 2020 by James Nelson dba Waterco to obtain a water certificate of convenience and necessity in Montague County.

In Order No. 2 filed on August 7, 2020, the administrative law judge (ALJ) found the application administratively incomplete and insufficient for further review. To date, the applicant has not filed anything to cure the deficiencies.

The ALJ finds that the application remains administratively incomplete and insufficient for further review in accordance with 16 Texas Administrative Code (TAC) § 24.8(b).

Under 16 TAC § 24.8(d), the Commission does not consider an application filed until it finds the application administratively complete. Thus, at this time the application is not considered filed with the Commission.

On or before October 20, 2020, Waterco must supplement the application to cure the deficiencies described in the memorandum of Jolie Mathis and Fred Bednarski, dated July 29, 2020, attached to Commission Staff's recommendation on administrative completeness. Until the Commission receives and reviews the supplemental information, the application cannot proceed. The applicant must not issue notice until the application is deemed administratively complete.

On or before November 18, 2020, Commission Staff must file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate.

Signed at Austin, Texas the 28<sup>th</sup> day of September 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'S. Leary', is written over a horizontal line.

STEVEN LEARY  
ADMINISTRATIVE LAW JUDGE

**DOCKET NO. 51367**

<b>PETITION OF DESTINY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEVELOPMENT, LLC TO AMEND</b>	<b>§</b>	
<b>WEST WISE SPECIAL UTILITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DISTRICT'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>WISE COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**ORDER NO. 1**  
**REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS**  
**AND NOTICE AND ESTABLISHING PROCEDURAL SCHEDULE**

**I. Petition**

This Order addresses the September 25, 2020, petition of Destiny Development, LLC to amend West Wise Special Utility District's water certificate of convenience and necessity (CCN) in Wise County by expedited release. Destiny Development seeks the expedited release of a tract of land that is 31.139 acres within the boundaries of West Wise Special's CCN number 10284.

**II. Requiring Comments on Administrative**  
**Completeness and Notice, and Authorizing West Wise's Comments**

By October 26, 2020, Commission Staff must file comments regarding the administrative completeness of the petition and notice.

Under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.254(h), this proceeding is not a contested case and no opportunity for hearing is provided. However, under 16 TAC § 24.245(h)(6), West Wise may submit a response to the Commission. Accordingly, by November 2, 2020, West Wise may submit a response, in the form of an affidavit, to the petition.

**III. Establishing Procedural Schedule**

The following procedural schedule applies to this proceeding:

Commission Staff's comments on the administrative completeness of the petition and notice	October 26, 2020
Deadline for West Wise to submit a response to the petition	November 2, 2020

Additional deadlines will be established if the petition is deemed administratively complete.

#### IV. Filing Requirements

Unless otherwise specified, an original and ten copies of documents relating to this proceeding must be filed with the Commission's filing clerk in accordance with 16 TAC § 22.71. A copy of each document filed with the Commission must also be served on all parties as required by 16 TAC § 22.74. All filings can be accessed on the PUC Interchange webpage at, <https://interchange.puc.texas.gov>.

**Service of pleadings is typically governed by 16 TAC § 22.74. However, the Commission has issued a Second Order Suspending Rules,<sup>1</sup> which has suspended the service requirements found in 16 TAC § 22.74. As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.**

All parties will provide their current addresses, **e-mail addresses**, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information, if such information changes. The **e-mail addresses**, telephone and fax numbers will be placed on the service list for this proceeding. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

#### V. Ex Parte Communications

*Ex parte* communications with the ALJ are prohibited under 16 TAC § 22.3(b)(2). Parties should communicate with the ALJ only through written documents filed with the Commission's filing clerk and served on all parties.

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<sup>1</sup> *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

Signed at Austin, Texas the 28 day of September 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Katie Moore". The signature is written in a cursive, flowing style.

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**KATIE MOORE**  
**ADMINISTRATIVE LAW JUDGE**