



Control Number: 51382



Item Number: 4

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DOCKET NO. 51382

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| APPLICATION OF DOGWOOD | § | PUBLIC UTILITY COMMISSION |
| ESTATES WATER COMPANY AND | § | |
| LAKESHORE UTILITY COMPANY | § | OF TEXAS |
| FOR SALE, TRANSFER, OR MERGER | § | |
| OF FACILITIES AND CERTIFICATE | § | |
| RIGHTS IN HENDERSON COUNTY | § | |

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

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 this Recommendation on Administrative Completeness and Proposed Notice and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively incomplete and that the applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On October 2, 2020, Sentry Title Company, Inc. dba Lakeshore Utility Company (Lakeshore) and the Rick L. Brown dba Dogwood Estates Water Company (Dogwood Estates) (collectively, Applicants) filed an application for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Henderson County. Lakeshore seeks approval to acquire facilities and to transfer all of water service area from Dogwood Estates under water CCN No. 10823. Commission records indicate that the requested area includes 7,328 acres and 422 current customers. On October 29, 2020, Lakeshore filed supplemental information.

On October 5, 2020, Order No. 1 was issued establishing a deadline of November 1, 2020, for Staff to file a recommendation on administrative completeness and proposed notice.¹ Therefore, this pleading is timely filed.

¹ November 1, 2020 falls on a Sunday, which is a day on which the Commission is not open for business. Pursuant to 16 Texas Administrative Code (TAC) § 22.4(a), Staff's deadline runs until the end of the next day on which the Commission is open for business, which is Monday, November 2, 2020.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis of the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in application and mapping content. Staff recommends that Applicants be ordered to submit the additional application content as detailed in the attached memorandum.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for continued processing of the docket at this time. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Mathis's memorandum by December 1, 2020, and that Staff be given a deadline of January 5, 2021 to file a supplemental recommendation on the administrative completeness of the application. Staff notes that the Applicants should not issue notice until the application is found administratively complete. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the application be deemed deficient and that the Applicants be ordered to file supplemental information addressing the identified deficiencies in the application by December 1, 2020.

Dated: November 2, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Alaina Zermeno
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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 November 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Alaina Zermeno
Alaina Zermeno

Public Utility Commission of Texas

Memorandum

TO: Alaina Zermeno, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: November 2, 2020

RE: Docket No. 51382 – *Application of Dogwood Estates Water Company and Lakeshore Utility Company for Sale, Transfer, or Merger of Facilities and Certificate Rights in Henderson County*

Sentry Title Company, Inc. dba Lakeshore Utility Company (Lakeshore) and the Rick L. Brown dba Dogwood Estates Water Company (Dogwood Estates) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Henderson County, Texas, pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Lakeshore, certificate of convenience and necessity (CCN) No. 10843, seeks approval to acquire facilities and to transfer all of water service area from Dogwood Estates under water certificate of convenience and necessity (CCN) No. 10823. Commission records indicate that the requested area includes approximately 7,238 acres and 422 current customers. The application indicates that the requested area includes approximately 8,033 acres and 442 current customer connections.

Based on my technical and managerial review of the information filed by the Applicants, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

1. Existing tariff for Lakeshore

Please submit the tariff for Sentry Title Company, Inc. dba Lakeshore Utility Company.

Mapping Content:

1. Acreage discrepancy

Acreage for the requested area on file with the Commission does not match what is stated in the application. If the Applicants are purely seeking a STM involving the CCN areas described in the application, the Applicants must reflect the acreage and customer connection count consistent with the information the Commission has on

file; otherwise, the Applicants should amend the application to reflect a STM/AMEND application, and file revised maps and digital data to match.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).