



Control Number: 51400



Item Number: 6

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**DOCKET NO. 51400**

**PETITION OF RCR HEMPSTEAD  
RAIL, LP TO AMEND G&W WATER  
SUPPLY COMPANY'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN WALLER COUNTY BY EXPEDITED  
RELEASE**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION 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 this Recommendation on Administrative Completeness and Notice. Staff recommends that the petition be deemed administratively incomplete. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 7, 2020, RCR Hempstead Rail, LP (Hempstead Rail) filed a petition for streamlined expedited release of approximately 137.04 acres of land within the boundaries of G&W Water Supply Company's (G&W) water certificate of convenience and necessity (CCN) No. 12391 in Waller County, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Hempstead Rail asserts that the tract of land is at least 25 acres and is located in Waller County, which is a qualifying county.

On October 13, 2020, the administrative law judge (ALJ) filed Order No. 1, setting a deadline of November 6, 2020, for Staff to file comments on the administrative completeness of the petition and notice and to propose a procedural schedule. This pleading is therefore timely filed.

**II. ADMINISTRATIVE COMPLETENESS AND NOTICE**

As detailed in the attached memorandum from Jolie Mathis in the Commission's Infrastructure Division, Staff recommends that the petition be found administratively incomplete. Specifically, Staff has noted that the following information is missing from the petition: (1) the affidavit verifying the application and attesting that the property is not receiving water service

from the CCN holder;<sup>1</sup> and (2) proof that notice was mailed to the CCN holder via certified mail on the date the petition was filed with the Commission.<sup>2</sup> Staff respectfully requests that Hempstead Rail be ordered to supplement its petition with the missing information, and that the ALJ find the petition administratively incomplete and the notice deficient at this time.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Deadline for Hempstead Rail to file information to cure deficiencies identified in Staff's memorandum	December 7, 2020
Deadline for Staff to file a supplemental recommendation on sufficiency of the petition and notice and to propose a procedural schedule	January 6, 2021

### **IV. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: November 6, 2020

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<sup>1</sup> 16 TAC § 24.245(h)(3).

<sup>2</sup> 16 TAC § 24.245(h)(3)(F).

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 6, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

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

**DATE:** November 6, 2020

**RE:** Docket No. 51400 – *Petition of RCR Hempstead Rail, LP to Amend G&W Water Supply Company's Certificate of Convenience and Necessity in Waller County by Expedited Release*

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On October 7, 2020, RCR Hempstead Rail, LP (Hempstead Rail) filed a petition for streamlined expedited release from G&W Water Supply Company's (G&W) water certificate of convenience and necessity (CCN) No. 12391 in Waller County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Hempstead Rail asserts that the land is at least 25 contiguous acres and is located in Waller County, which is a qualifying county.

Based on a review of the information in the petition, Staff recommends that the petition be deemed found administratively incomplete due to the missing information detailed below. Staff respectfully requests that Hempstead Rail supplement its petition with the following documents:

- 1) A copy of notarized affidavit verifying the petition and attesting that the property is not receiving water service from the CCN holder as required by 16 TAC § 24.245(h)(3).
- 2) Proof that notice was mailed to the CCN holder via certified mail on the date the petition was filed with the Commission as required by 16 TAC § 24.245(h)(3)(F).