



Control Number: 51407



Item Number: 5

Addendum StartPage: 0



DOCKET NO. 51407

**APPLICATION OF DOS AGUAS,
LLC FOR A WATER CERTIFICATE
OF CONVENIENCE AND
NECESSITY IN WALKER AND
MONTGOMERY COUNTIES**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule. Staff recommends that the application is administratively incomplete at this time. In support thereof, Staff would show the following:

I. BACKGROUND

On October 9, 2020, Dos Aguas, LLC (Dos Aguas) filed an application to obtain a water certificate of convenience and necessity (CCN) in Walker and Montgomery counties. The requested service area consists of approximately 5,386 acres to be developed into 292 one-acre lots in Walker County and 1,800 to 1,900 one and one-half to two acre-lots in Montgomery County. On October 21, 2020, Dos Aguas confidentially filed supplemental information relating to a purchase water supply or treatment agreement, financial statements, and disclosures of affiliated interests. On October 29, 2020, Dos Aguas filed additional supplemental mapping information.

On October 13, 2020, Order No. 1 in this proceeding was filed, requiring Staff to file a recommendation on the administrative completeness of the application and proposed notice and to propose a procedural schedule for further processing of the application by November 9, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Dos Aguas' supplemented application and, as detailed in the attached memoranda from Patricia Garcia, Infrastructure Division, and Fred Bednarski, Rate Regulation Division, recommends that the application is administratively incomplete at this time. Specifically,

while Staff recommends that the supplemented application is administratively complete from a financial perspective, Staff has identified deficiencies relating to mapping and other technical requirements. Therefore, Staff recommends that the supplemented application be found administratively incomplete and that Dos Aguas be ordered to cure the deficiencies identified in the attached memoranda.

III. NOTICE

Due to existing deficiencies in mapping information, Staff is unable to make a recommendation on notice at this time. Staff intends to address notice in a subsequent recommendation once the application is administratively complete.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that the application be found administratively incomplete, Staff recommends that Dos Aguas be ordered to cure the identified deficiencies by December 7, 2020. Staff also recommends that a deadline of January 18, 2020 be established for Staff to file a supplemental recommendation on administrative completeness of the application and notice and to propose additional deadlines as appropriate.

V. CONCLUSION

Staff recommends that Dos Aguas' supplemented application be found administratively incomplete at this time and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: November 9, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 51407

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 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean

Public Utility Commission of Texas

Memorandum

TO: Courtney Dean, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: November 9, 2020

RE: Docket No. 51407 – *Application of Dos Aguas, LLC for a Water Certificate of Convenience and Necessity in Walker and Montgomery Counties*

On October 9, 2020, Dos Aguas, LLC (Dos Aguas) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) in Walker and Montgomery Counties under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information filed by the Dos Aguas, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Review:

The eastern border of the requested area follows the current centerline of Peach Creek, which runs along and crosses back and forth over the Montgomery and San Jacinto County line. It appears that San Jacinto County may need to be added to the affected counties. If so, please submit a revised page 2 of the application to add San Jacinto county to the list of “County(ies) affected by this application.”

Technical Review:

Provide proof that plans and specifications for the requested area have been submitted to the Texas Commission on Environmental Quality (TCEQ). For an application to be administratively complete, proof that the plans and specifications for the proposed new facilities have been submitted to the TCEQ must be provided. In order to finalize approval of the CCN amendment the TCEQ must approve construction of the water system and the distribution system and the approval letters filed in this docket per 16 TAC § 24.233(a)(14).

Public Utility Commission of Texas

Memorandum

TO: Courtney Dean, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: November 9, 2020

RE: Docket No. 51407 – *Application of Dos Aguas, LLC for a Water Certificate of Convenience and Necessity in Walker and Montgomery Counties*

On October 9, 2020 Dos Aguas, LLC filed an application to obtain a water certificate of convenience and necessity in Walker and Montgomery Counties under the provisions of Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

I reviewed the answers provided to questions 30 and 31 of the application and did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the application be deemed administratively complete from a financial perspective.