



Control Number: 51488



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 51488

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**APPLICATION OF CHESTER MAPLES §
DBA OLD HIGHWAY 90 WATER §
SERVICE TO AMEND A CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN MEDINA AND FRIO COUNTIES §**

**PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS OF THE APPLICATION 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 Procedure Schedule. Staff recommends that the application be deemed administratively incomplete and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On November 4, 2020, Chester Maples dba Old Highway 90 Water Service (Old Highway 90) filed an application to amend its water certificate of convenience and necessity (CCN) number 12975 in Medina and Frio counties. The amendment proposes to add 994 acres.

On November 10, 2020, Order No. 1 was issued, setting a deadline of December 4, 2020 for Staff to file comments on the administrative completeness of the application and proposed notice and to file a recommendation regarding how to proceed with the application and propose a procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

For the reasons detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete at this time. Staff notes that Old Highway 90 should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

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

Event	Date
Deadline for applicant to file information to cure deficiencies identified in Staff's memorandum	January 15, 2020
Deadline for Commission Staff to file a supplemental recommendation on sufficiency of the application and proposed procedural schedule for the continued processing of this application	February 12, 2021

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the application be deemed deficient and respectfully requests the entry of an order consistent with the above recommendation.

Dated: December 3, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Megan Chalifoux

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DOCKET NO. 51488

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 December 3, 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: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 3, 2020

RE: Docket No. 51488 – *Application of Chester Maples dba Old Highway 90 Water Service to Amend a Certificate of Convenience and Necessity in Medina and Frio Counties*

On November 4, 2020, Chester Maples dba Old Highway 90 Water Service (Old Highway 90) filed with the Public Utility Commission of Texas an application to amend its water certificate of convenience and necessity (CCN) No. 12975 in Medina and Frio Counties, Texas under Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information filed by Old Highway 90, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below.

Application Content:

Please provide the following:

1. A copy of the executed developer agreement for the requested area,
2. Proof of funding sources to install all plant, infrastructure, and startup funds to serve the requested area,
3. Old Highway 90 Water Service's 2019 annual report, and
4. Proof that water service was requested from Benton City Water Service Corporation (WSC),
 - a. If provided, the estimate of the cost for Benton City WSC to provide water service to the requested area.

Mapping Content:

The application filed does not include mapping documentation that sufficiently meets our CCN mapping requirements. Maps showing the requested area cannot be hand drawn and must be provided to scale. If a portion of the requested area overlaps Benton City WSC's CCN No.

12587, please clarify in writing and indicate on the revised general location and detailed maps, if Old Highway 90 seeks to decertify or obtain dual certification with CCN No. 12587. Staff is unable to determine the accurate location of the requested area to be amended to water CCN No. 12975. Please note, each map must be e-filed in an original PDF format that maintains the size and scale of the map.

Old Highway 90 must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, provided as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Applicant obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes at (512) 936-7187 or tracy.montes@puc.texas.gov to resolve the mapping deficiencies.