



Control Number: 51531



Item Number: 23

Addendum StartPage: 0

Public Utility Commission of Texas

Memorandum

TO: Courtney Dean, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: May 12, 2021

RE: Docket No. 51531 – *Petition of JLM 717 Kaufman LP to Amend the City of Crandall's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On November 17, 2020, JLM 717 Kaufman LP (Kaufman LP) filed a petition for streamlined expedited release from the City of Crandall's (Crandall) water certificate of convenience and necessity (CCN) No. 11295 in Kaufman County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Kaufman LP asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

Kaufman LP submitted a sworn affidavit attesting that the property was not receiving water service from Crandall and a warranty deed confirming Kaufman LP's ownership of the tract of land. In addition, Kaufman LP submitted sufficient maps and digital data for determining the location of the requested release area within Crandall's certificated service area.

Tracy Montes determined that the warranty deed for the tract of land includes 716.7 acres, of which one acre was removed because it is owned by Loudon Flay. Therefore, the tract of land includes 715.7 acres that is owned by Kaufman LP. Ms. Montes determined the revised maps and digital mapping data filed on March 24, 2021 are sufficient. Ms. Montes confirmed that the tract of land includes approximately 715.7 acres, which includes approximately 44.9 acres to be released from Crandall's CCN No. 11295.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Crandall on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes and my technical and managerial review of the information provided by Kaufman LP, I recommend the petition be deemed administratively complete and accepted for filing.

DOCKET NO. 51531

**PETITION OF JLM 717 KAUFMAN LP
TO AMEND THE CITY OF
CRANDALL'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
KAUFMAN COUNTY BY EXPEDITED
RELEASE**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

On November 17, 2020, JLM 717 Kaufman LP (Kaufman LP) filed a petition with the Public Utility Commission of Texas (Commission) requesting the expedited release of approximately 44.9 acres of land from the boundaries of the City of Crandall's water certificate of convenience and necessity (CCN) number 11295 in Kaufman County. Kaufman LP asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county under 16 Texas Administrative Code (TAC) § 24.245(h)(1)-(2). Kaufman LP filed supplemental information on February 3, 2021, March 4, 2021, March 5, 2021, and March 24, 2021.

On March 12, 2021, the administrative law judge (ALJ) filed Order No. 6, requiring Commission Staff (Staff) to file a supplemental recommendation on the administrative completeness of the petition and to propose a procedural schedule for further processing by May 12, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition be found administratively complete as supplemented.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(F), a landowner petitioning for expedited release is required to provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission.

Kaufman LP's petition states that Kaufman LP mailed a copy of its petition to the City of Crandall by certified mail on the day the petition was filed with the Commission. Kaufman LP's petition also includes an affidavit attesting to the provision of notice as described above. Therefore, Staff recommends that Kaufman LP has satisfied all applicable notice requirements and that notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below-proposed procedural schedule be adopted. Under 16 TAC § 24.245(h)(7), the Commission is required to render a decision on the petition no later than 60 days after the presiding officer determines that the application is administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for responses to the administratively complete petition	June 2, 2021
Deadline for Staff's recommendation on final disposition	June 16, 2021
Deadline for Kaufman LP to file a reply to both Crandall's response and Staff's recommendation on final disposition ¹	June 23, 2021

IV. CONCLUSION

Staff recommends that Kaufman LP's petition be found administratively complete as supplemented, that notice be found sufficient, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

¹ Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Dated: May 12, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
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. 51531

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 on May 12, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean