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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
FILING CLERK
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Commission Staff's Recommendation on Administrative Completeness. In support thereof, Staff shows the following:

I. BACKGROUND

On November 17, 2020, JLM 717 Kaufman LP (Kaufman), filed a petition to amend the City of Crandall's water certificate of convenience and necessity (CCN) in Kaufman County by streamlined expedited release. JLM 717 Kaufman seeks the expedited release of its 45.8-acre portion of a 716.699-acre tract of land that lies within the boundaries of Crandall's water CCN number 13201.

On November 18, 2020, the administrative law judge (ALJ) issued Order No. 1 requiring Staff to file a Recommendation on Administrative Completeness by December 17, 2020.

**II. COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

Staff has reviewed Kaufman's petition, and as supported by the attached memoranda of Reginald Tuvilla, Senior Infrastructure Analyst of the Commission's Infrastructure Division, Staff has concluded that the petition be deemed administratively incomplete and not accepted for filing due to deficient maps and digital data. Staff recommends that Kaufman clarify whether the 5-acre parcel shown in Exhibit C should have been excluded from the entire subject property for "Reserved Minerals." If so, Staff recommends that verify that the 5-acre parcel was removed from the entire subject property in the revised mapping documentation requested below. In addition, Kaufman should provide evidence that the 1-acre tract of land designated as belonging to Loudon

Flay is owned by JLM 717 Kaufman LP, or remove the 1-acre tract of land from the mapping documentation requested below.

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests the entry of an order consistent with the above recommendation.

Dated: January 4, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ M. Justin Ackley
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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 January 4, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ M. Justin Ackley
M. Justin Ackley

Public Utility Commission of Texas

Memorandum

TO: M. Justin Ackley, Attorney
Legal Division

FROM: Reginald Tuvilla, Senior Infrastructure Analyst
Infrastructure Division

DATE: January 4, 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*

JLM 717 Kaufman LP (Kaufman LP) (Petitioner) filed a petition for 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 from Crandall and a warranty deed confirming Kaufman's ownership of the tract of land.

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, Infrastructure Division, and my technical and managerial review of the information provided by Kaufman LP, I recommend the petition be deemed administratively incomplete and not accepted for filing due to deficient maps and digital data.

The boundaries of the requested area require clarification. Each tract of land that makes up the entire subject property must be clearly identified in the digital mapping data, and on the general location and detailed maps. All maps must include a scale. Do not show the cross-hatched portion that overlaps CCN No. 11295 on the maps. On the detailed map, do not show existing CCNs.

The discrepancy between the acreage listed on the warranty deed and the submitted digital mapping data must be corrected. According to the warranty deed, the entire subject property

should include approximately 716.7 acres. However, the digital mapping data for the entire subject property includes 706.47 acres, rather than the 716.7 acres indicated in the warranty deed. Furthermore, the general location and detailed maps identifies several tracts of land (285 acres, 430 acres, and two 1-acre tracts) that are not provided in the warranty deed. Please provide a complete warranty deed that either includes each individual tract of land reflecting the entire subject property, or, provide revised mapping documentation that only identifies the entire subject property (716.7 acres) as indicated in the warranty deed.

Please clarify whether the 5-acre parcel shown in Exhibit C should have been excluded from the entire subject property for “Reserved Minerals.” If so, please verify that the 5-acre parcel was removed from the entire subject property in the revised mapping documentation requested below. In addition, provide evidence that the 1-acre tract of land designated as belonging to Loudon Flay is owned by JLM 717 Kaufman LP, or remove the 1-acre tract of land from the mapping documentation requested below.

The Petitioner must submit the following items to resolve the mapping deficiencies:

- A general location map identifying the tracts of land, in reference to the nearest county boundary, city, or town.
- A detailed map identifying the tracts of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the tracts of land each 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 Petitioner 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.