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APPLICATION OF CEDAR CREEK § PUBLIC UTILITY COMMISSION
WATER SUPPLY FOR A CLASS D RATE §
ADJUSTMENT § OF TEXAS
FILING CLERK

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

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

I. BACKGROUND

On December 10, 2020, Estes Water Supply LLC (Estes Water Supply) filed an application for a Class D rate adjustment, under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49. Estes Water Supply seeks a 5% rate adjustment for Cedar Creek Water Supply, under Certificate of Convenience and Necessity (CCN) No. 13282. However, CCN No. 13282 was issued to Megan Estates dba Cedar Creek Water Supply in Docket No. 49714.¹ Additionally, CCN No. 13282 was also issued to Megan Estates dba Big Creek West Water Supply in Docket No. 49716.²

On December 14, 2020, the administrative law judge filed Order No. 1, requiring Staff to file a recommendation on the administrative completeness of the application by January 11, 2021. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and recommends that it be found administratively incomplete and not accepted for filing under TWC § 13.1872 and 16 TAC § 24.49. CCN No. 13282 was issued to Megan Estates dba Cedar Creek Water Supply, but the name on this application is Estes Water Supply. Staff and the applicant have discussed this discrepancy, and Staff indicated that the applicant needs to file an application to change the name on the CCN before

¹ *Application of Cedar Creek Water Supply and Megan Estes For Sale, Transfer, or Merger of Facilities and Certificate Rights in Limestone County*, Docket No. 49714, Notice of Approval (Jul. 6, 2020).

² *Application of Big Creek West Water Supply and Megan Estes For Sale, Transfer, or Merger of Facilities and Certificate Rights in Limestone County*, Docket No. 48716, Notice of Approval (Jul. 8, 2020).

a Class D rate adjustment can proceed. The applicant has filed an application in Docket No. 51653 to reflect the name change to Estes Water Supply, which is the entity providing service under CCN No. 13282.³ Staff and Estes Water Supply have also discussed withdrawing the application, which Estes Water Supply has indicated it is willing to do. In the meantime, Staff recommends that the application be deemed deficient because the applicant is not the utility that holds CCN No. 13282 and requests that Estes Water Supply be given a deadline to withdraw the application. If Estes Water Supply fails to file a request to withdraw by the deadline in the Order, Staff will file a motion to dismiss the application.

III. CONCLUSION

For the reasons stated above, Staff recommends that the application be deemed administratively incomplete. Staff further recommends that Estes Water Supply file a new Class D rate adjustment application once the name change for CCN No. 13282 is complete.

³ See *Estes Water Supply, LLC dba Big Creek West Water Supply (Formerly Megan Estates dba Cedar Creek Water Supply Request for Certificate of Convenience and Necessity Name Change*, Docket No. 51653 (pending).

Dated: January 11, 2021

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 January 11, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore