



## Filing Receipt

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**DOCKET NO. 51614**

<b>APPLICATION OF EAST HOUSTON</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITIES TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN HARRIS COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S FOURTH SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND MOTION TO DISMISS**

On December 11, 2020, East Houston Utilities dba Krebs Utilities (East Houston) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11984 in Harris County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

On April 5, 2021, the administrative law judge (ALJ) filed Order No. 12, establishing a deadline of June 2, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum of Patricia Garcia of the Commission’s Infrastructure Division, Staff recommends that East Houston’s application continue to be found administratively incomplete.

**II. MOTION TO DISMISS**

Staff respectfully requests that this docket be dismissed without prejudice. Under 16 TAC § 22.181(d)(7), a proceeding may be dismissed based on the “failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.” East Houston’s initial application was filed over 17 months ago, and Staff has repeatedly worked with East Houston’s representative in efforts to cure the multiple deficiencies in the application. However, despite Staff’s guidance via filings, phone calls, and emails, East Houston has repeatedly failed to cure deficiencies. East Houston’s application has been deemed insufficient four times, and, despite having been ordered to cure the identified deficiencies, East Houston has field supplemental information only twice, otherwise failing to meet deadlines or requesting extensions. For these reasons, Staff requests that this docket be dismissed without prejudice so

that East Houston may re-file its application at such time as it has gathered all the necessary documents and information.

### **III. CONCLUSION**

For the reasons discussed above, Staff recommends that the application be deemed administratively incomplete and that the docket be dismissed without prejudice.

Dated: June 1, 2022

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Keith Rogas  
Division Director

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/s/ Merritt Lander  
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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 on June 1, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander  
Merritt Lander

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Merritt Lander, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** May 31, 2022

**RE:** Docket No. 51614 – *Application of East Houston Utilities to Amend its Certificate of Convenience and Necessity in Harris County*

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On December 11, 2020, East Houston Utilities, In. dba Krebs Utilities (East Houston) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 11984 in Harris County, Texas 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 additional information filed by East Houston on May 2, 2022, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

### **Application Content:**

1. Requests for Service (Application Question No. 9)

The application states there are no requests for service. Provide additional information regarding why this amendment is needed if there are no requests for service.

2. Public Water System Information (Application Question No. 20.C.)

Please provide the public water system that will provide water service to the requested area. If a new public water system will be providing service to the area response should be “New Public Water System.”

3. Notice Information (Application Question No. 33)

This question should indicate how many current connections are in the requested area. Based on the response to Question No. 7 the area is being developed with no current customers.

### **Mapping Content:**

Applicant 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, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).