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DOCKET NO. 51864

2021 MAR 31 PM 1:43

APPLICATION OF THE CITY OF §  
MIDLOTHIAN TO AMEND ITS §  
WATER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
ELLIS COUNTY §

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

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

On March 2, 2021, the City of Midlothian (Midlothian) filed an application to amend its water certificate of convenience and necessity (CCN) 11706 in Ellis County. The amendment proposes to add approximately 53 acres and 201 customers. Midlothian filed supplemental information on March 10, 2021.

On March 5, 2021 the Administrative Law Judge issued Order No. 1, setting a deadline of April 2, 2021 for Staff to file a recommendation on the administrative completeness of the application, proposed notice, and propose a procedural schedule. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the application filed in this docket and recommends that it be found administratively incomplete at this time. Staff notes that Midlothian should not issue notice until the application is found administratively complete. In addition, as detailed in the attached memorandum from Fred Bednarski III in the Commission's Rate Regulation Division, Staff did not identify any deficiencies from a financial perspective. Staff does not comment on the final merits of the application at this time.

**II. COMMENTS ON PROCEDURAL SCHEDULE**

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

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Event	Date
Deadline for applicant to cure deficiencies identified in Staff's memorandum	May 3, 2021
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	June 2, 2021

### III. CONCLUSION

For the reasons discussed above, and as outlined in the attached memoranda by Ms. Garcia, Staff respectfully requests that Midlothian's application be deemed administratively incomplete and respectfully requests the entry of an order consistent with the above recommendation.

Date: March 31, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
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Managing Attorney

/s/ Kevin R. Bartz  
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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 March 31, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz  
Kevin R. Bartz

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kevin Bartz, Attorney  
Legal Division

**FROM:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** April 2, 2021

**RE:** Docket No. 51864 – *Application of the City of Midlothian to Amend its Water Certificate of Convenience and Necessity in Ellis County*

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On March 2, 2021, the City of Midlothian filed an application to amend its water Certificate of Convenience and Necessity in Ellis County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kevin Bartz, Attorney  
Legal Division

**FROM:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** April 2, 2021

**RE:** Docket No. 51864 – *Application of the City of Midlothian to Amend its Water Certificate of Convenience and Necessity in Ellis County*

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# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kevin Bartz, Attorney  
Legal Division

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

**DATE:** March 29, 2021

**RE:** Docket No. 51864 – *Application of the City of Midlothian to Amend its Water Certificate of Convenience and Necessity in Ellis County*

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On March 2, 2021, the City of Midlothian (Midlothian) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 11706 in Ellis 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 Midlothian on March 10, 2021, I recommend that the application be deemed administratively incomplete and not accepted for filing.

### **Application Content:**

The requested area overlaps the certificated service area of Mountain Peak Special Utility District (Mountain Peak), CCN No. 10908. The certificated service area for Mountain Peak is a facility line + 200 feet service line that runs through the requested area. Midlothian must provide a request for dual certification or decertification of this portion of Mountain Peak's CCN service area along with an agreement from Mountain Peak.

### **Mapping Content:**

If the Applicant cannot secure such an agreement and provide such a request for either decertification or dual certification, then revised maps and digital data must be filed as described below.

- 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.