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DOCKET NO. 51872

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
WOODWAY TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE AND	§	OF TEXAS
NECESSITY AND FOR DUAL	§	
CERTIFICATION WITH THE CITY OF	§	
WACO IN MCLENNAN COUNTY	§	

COMMISSION STAFF’S MOTION TO DISMISS

On March 5, 2021, the City of Woodway (Woodway) filed an application to amend its water certificate of convenience and necessity (CCN) 10022 and for dual certification with the City of Waco’s CCN number 10039 in McClellan County. The requested service area consists of 170 acres and 450 existing customers. Woodway filed supplemental information on May 10, 2021 and August 13, 2021.

On December 16, 2021 the administrative law judge (ALJ) filed Order No. 8, establishing a deadline of February 15, 2022 for the Staff of the Public Commission of Texas (Staff) to file a supplemental recommendation on the sufficiency of the application and propose a procedural schedule. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF APPLICATION

To date, Woodway has failed to file information to cure the deficiencies detailed in Staff’s October 15, 2021 deficiency recommendation. As detailed in Staff’s October 15, 2021 memorandum filed with its deficiency recommendation, Woodway’s application incomplete from a managerial and technical perspective. Based on the information provided by Woodway, the requested area is within the City of Waco’s CCN, which means Woodway would require an agreement for dual certification with the City of Waco. However, the agreement in Woodway’s August 13, 2021 filing states “Waco is not modifying, releasing, or abandoning any portion of its Certificated Area or amending either of its CCNs.”¹ Additionally, the agreement states that the City of Waco is allowing Woodway to serve as authorized by Texas Water Code (TWC) § 13.248. Thus, Woodway filed an application to amend its CCN under TWC § 13.241 and 16

¹ Application of the City of Woodway to Amend its Certificate of Convenience and Necessity and For Dual Certification with the City of Waco in Mclennan County, Docket no. 51872, Supplemental Information at 9 (Aug. 13, 2021).

Texas Administrative Code § 24.227, while providing an agreement subject to TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that Woodway's application be dismissed without prejudice for failure to amend an application after repeated determinations that the application is insufficient.²

II. CONCLUSION

Based on the foregoing discussion, Staff respectfully requests that an order be issued dismissing the application without prejudice.

Date: February 15, 2022

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Kourtnee Jinks

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² 16 TAC 22.181(d)(7).

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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 February 15, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks