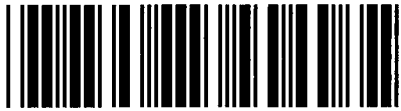




Control Number: 51882



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 51882

**APPLICATION OF THE CITY OF
SWEETWATER FOR DUAL
CERTIFICATION WITH BITTER
CREEK WATER SUPPLY
CORPORATION IN NOLAN COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

On August 14, 2020, the City of Sweetwater (Sweetwater) filed an application in Docket No. 51170¹ to amend its water certificate of convenience and necessity (CCN) number 10228 and for dual certification of with Bitter Creek Water Supply Corporation (Bitter Creek WSC) (collectively, the Applicants) in Nolan County, Texas.

On March 10, 2021 the administrative law judge filed Order No. 1, severing this docket from Docket No. 51170 and directing that this docket address Sweetwater's request for dual certification of 53 acres of land within the certificated water service area of Bitter Creek WSC's water CCN number 11149.

On April 12, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 9, 2021 for Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental filings and, as detailed in the attached memorandum of Patricia Garcia of the Infrastructure Division, recommends that it be found administratively incomplete at this time. Specifically, Staff has identified deficiencies in the application and mapping content. Staff requests that the Applicants be ordered to submit additional application and mapping content, as further detailed in the attached memorandum.

¹ *Application of the City of Sweetwater to Amend a Certificate of Convenience and Necessity and for Dual Certification with Bitter Creek Water Supply Corporation in Nolan County*, Docket No. 51170 (pending).

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's supplemental recommendation on administrative completeness, Staff does not propose a procedural schedule for the further processing of this docket at this time. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by July 8, 2021, and that Staff be given a deadline of August 9, 2021, to file a second supplemental recommendation on the administrative completeness of the application.

III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be deemed administratively incomplete and that the Applicants file a supplement addressing the identified deficiencies in the application by July 8, 2021.

Dated: June 9, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

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/s/ Justin C. Adkins
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DOCKET NO. 51882
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 9, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664

/s/ Justin C. Adkins
Justin C. Adkins

Public Utility Commission of Texas

Memorandum

TO: Justin Adkins, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 9, 2021

RE: Docket No. 51882 – *Application of the City of Sweetwater for Dual Certification with Bitter Creek Water Supply Corporation in Nolan County*

On August 14, 2020, the City of Sweetwater (Sweetwater) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 10228 and for dual certification with a portion of Bitter Creek Water Supply Corporation's (Bitter Creek WSC) CCN No. 11149 in Nolan County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

On March 2, 2021, Sweetwater submitted a Motion for Severance, seeking to sever the docket into two separate proceedings.¹ The Motion for Severance was granted by the Administrative Law Judge on March 10, 2021.² The total requested area includes 53 acres of land that is within the current water CCN No. 11149 boundaries of Bitter Creek WSC.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the additional information filed by Sweetwater on May 10, 2021,³ I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application and Mapping Content:

Sweetwater must provide an agreement from Bitter Creek WSC for dual certification of the requested area.

¹ *Application of the City of Sweetwater to Amend a Certificate of Convenience and Necessity in Nolan County*, Docket No. 51170, City of Sweetwater's Motion for Severance (Mar. 2, 2021).

² Order No. 1 (Mar. 10, 2021).

³ City of Sweetwater's First Supplement to Application (May 10, 2021).