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DOCKET NO. 51939

**APPLICATION OF NPH MARKET §
STREET, LLC TO AMEND GULF §
COAST AUTHORITY'S SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN CHAMBERS §
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 APR 25 PM 12:47

**COMMISSION STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS,
NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

On March 25, 2021, NPH Market Street, LLC (NPH) filed a petition to amend the Gulf Coast Authority's (Gulf Coast) water certificate of convenience and necessity (CCN) in Chambers County by streamlined expedited release. NPH seeks the expedited release of 134.0904 acres from their four parcels of land that lie within Gulf Coast's sewer CCN No. 20465.

On March 26, 2021, the administrative law judge (ALJ) filed Order No. 1, directing Staff (Staff) of the Public Utility Commission of Texas to file a recommendation on sufficiency of the petition and notice on or before April 26, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, Staff has reviewed the amended petition for expedited release and recommends that it be found administratively complete and accepted for filing.

II. NOTICE

Under 16 Texas Admin. Code (TAC) § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission. NPH states in its filing that it mailed a copy of its petition to the CCN holder, Gulf Coast, by certified mail on the day the petition was filed with the Commission. Therefore, Staff recommends that the notice issued by Gulf Coast be found sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins tolling upon the issuance of an order by the ALJ finding a petition administratively complete. Since Staff recommends that the petition be found administratively

complete, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order:

Event	Date
<i>Deadline for NPH and intervenors to file a response to the administratively complete petition</i>	29 days from the date of the order finding the petition administratively complete
<i>Deadline for Staff's recommendation on final disposition</i>	34 days from the date of the order finding the petition administratively complete
<i>Deadline for petitioner to file a reply to NPH's response and Staff's recommendation on final disposition</i>	41 days from the date of the order finding the petition administratively complete
<i>Sixty-day administrative approval of streamlined expedited release</i>	60 days from the date of the order finding the petition administratively complete

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Gulf Coast's application and notice be found administratively complete and that the proposed procedural schedule be adopted.

Dated: April 26, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Kevin R. Bartz
Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
kevin.bartz@puc.texas.gov

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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 April 26, 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

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: April 23, 2021

RE: Docket No. 51939 – *Petition of NPH Market Street, LLC to Amend Gulf Coast Authority's Sewer Certificate of Convenience and Necessity in Chambers County by Expedited Release*

On March 25, 2021, NPH Market Street, LLC (NPH) filed a petition for streamlined expedited release from Gulf Coast Authority's (Gulf Coast) sewer certificate of convenience and necessity (CCN) No. 20465 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). NPH asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county.

NPH submitted a sworn affidavit attesting that the property was not receiving sewer service from Gulf Coast and a warranty deed confirming the NPH's ownership of the tract of land. In addition, NPH submitted sufficient maps and digital data for determining the location of the requested release area within Gulf Coast's certificated service area. The total property is approximately 134.09 acres. The requested area to be released from the Gulf Coast Waste Disposal Authority, CCN No. 20940, is approximately 134.09 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Gulf Coast on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes and my technical and managerial review of the information provided by NPH, I recommend the petition be deemed administratively complete and accepted for filing.