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DOCKET NO. 52000

**PETITION OF THE CITY OF AUSTIN §
AND FOREST OAKS MOBILE HOMES, §
LLC FOR APPROVAL OF SERVICE §
AREA CONTRACT UNDER TEXAS §
WATER CODE § 13.248 AND TO §
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
TRAVIS COUNTY**

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PUBLIC UTILITY COMMISSION
OF TEXAS

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

On April 8, 2021, the City of Austin and Forest Oaks Mobile Homes, LLC (Forest Oaks) (collectively, Petitioners) filed a petition for approval of a service-area contract under Texas Water Code § 13.248 and to amend their water certificates of convenience and necessity (CCN) in Travis County. With this application, Forest Homes agrees to transfer a portion of its water service area under CCN number 12086 to the City of Austin under water CCN number 11322. The requested service area consists of 151 acres and zero current customers.

On April 9, 2021, the administrative law judge filed Order No. 1 establishing a deadline of May 10, 2021 for Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on the administrative completeness of the application and to propose a procedural schedule. Therefore, this pleading is timely filed.

I. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition, and, as detailed in the attached memorandum of Pai Liu of the Infrastructure Division, recommends that it be found administratively incomplete at this time. Staff notes that the City of Austin and Forest Oaks should not issue notice until the application is found administratively complete.

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff proposes the following procedural schedule:

| Event | Date |
|---|---------------|
| Deadline for Petitioners to cure deficiencies identified in Staff's memorandum | June 10, 2021 |
| Deadline for Staff to file a supplemental recommendation on sufficiency of the application and a proposed procedural schedule for the continued processing of this petition | July 5, 2021 |

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the petition be deemed deficient and respectfully requests the entry of an order consistent with the above recommendation.

Dated: May 10, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 May 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: May 10, 2021

RE: Docket No. 52000 – *Petition of the City of Austin and Forest Oaks Mobile Homes, LLC for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend a Certificate of Convenience and Necessity in Travis County*

On April 8, 2021, the City of Austin and Forest Oaks Mobile Homes, LLC (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the City of Austin's water certificate of convenience and necessity (CCN) No. 11322 and Forest Oaks Mobile Homes, LLC's water CCN No. 12086 in Travis County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, the City of Austin and Forest Oaks Mobile Homes, LLC entered into a contractual agreement which permits the City of Austin to provide water services within the agreed upon water service area. Applicants will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Tracy Montes, Infrastructure Division, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Mapping Content:

The detailed and digital mapping data filed in the application on April 8, 2021 are deficient. The petition did not include digital mapping data for the requested area. The general location map should only identify the requested area including only the portion to be transferred from Forest Oaks Mobile Homes' CCN No. 12086 to the City of Austin's CCN No. 11322. The detailed map should not identify boundaries of existing CCNs.

Applicant must submit the following items to resolve the mapping deficiencies:

- 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).