



Control Number: 52000



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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 §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

I. BACKGROUND

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 (TWC) § 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 May 27, 2021, the administrative law judge filed Order No. 2, establishing a deadline of July 5, 2021, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness along with a proposed procedural schedule, if appropriate. As the Commission was closed July 5, 2021, pursuant to Texas Administrative Code (TAC) § 22.4(a), the deadline is extended to the next day on which the Commission is open for business. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

After review, and as detailed in the attached memorandum of Pai Liu of the Infrastructure Division, Staff recommends that the petition satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that the petition be deemed administratively complete.

III. NOTICE

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority's board decides to enter into a contract at a duly posted meeting, then the meeting agenda and minutes of the meeting can serve as notice. Specifically, the City of Austin submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to the meetings. The City of Austin also provided an affidavit attesting to the date notice was posted and the date that the meeting approving the agreement transpired. Notice from Forest Oaks is not necessary as there are no customers in the requested service area.

IV. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Deadline for intervention	July 13, 2021
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners	August 2, 2021
Deadline for Petitioners to file signed consent forms with the Commission	August 16, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	August 30, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	September 10, 2021

V. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: July 6, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Phillip Lehmann
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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 on July 6, 2021 in accordance with the Order Suspending Rules filed 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: July 6, 2021

RE: 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*

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 (TWC) § 13.248 and to amend the City of Austin's water certificate of convenience and necessity (CCN) No. 11322 and Forest Oaks' 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 entered into a contractual agreement which permits the City of Austin to provide water services within the agreed upon water certificated service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

On April 8, 2021, the City of Austin submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, the City of Austin submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to the meetings. The City of Austin also provided an affidavit attesting to the date notice was posted and the date that the meeting approving the agreement transpired. Notice from Forest Oaks is not necessary as there are no customers in the area.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information filed by the Petitioners on May 12, 2021, I recommend that the petition be deemed administratively complete.