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DOCKET NO. 52012

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**APPLICATION OF BRAZOS VALLEY §
SEPTIC & WATER, INC. AND CSWR- §
TEXAS UTILITY OPERATING §
COMPANY, LLC FOR SALE, §
TRANSFER OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN ROBERTSON COUNTY §**

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

On April 9, 2021, Brazos Valley Septic & Water, Inc. (Brazos Valley) and CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) (collectively, Applicants) filed an application for approval of the sale and transfer of facilities and certificate rights in Robertson County. The Applicants seek approval to sell and transfer all of Brazos Valley's facilities and certificated service area under water certificate of convenience and necessity (CCN) number 13094 to CSWR Texas's water CCN number 13290 and the cancellation of Brazos Valley's water CCN. The application also seeks dual certification with a portion of Wellborn Special Utility District's (Wellborn SUD) CCN number 11340. The requested area consists of approximately 125.10 acres and 16 customer connections. The Applicants filed supplemental information on May 4, 5 and 6, 2021.

On May 18, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 3, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the application, proposed notice, and to propose a procedural schedule for further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Patricia Garcia of the Commission's Infrastructure Division, Staff recommends that the application be found administratively incomplete. Under 16 Texas Administrative Code § 24.233(a)(12), an agreement for dual certification or, if such agreement is not practicable, a statement of why dual certification is in the public interest, must be provided with the application. Staff further recommends that the Applicants be ordered to cure the

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application and mapping deficiencies identified in Ms. Garcia's memorandum by June 10, 2021 and that Staff be given a deadline of June 17, 2021 to file a supplemental recommendation on the administrative completeness of the application.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the application be found administratively complete. Staff notes that the Applicants should not issue notice until the application is deemed administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that the Applicants be ordered to file supplemental information to cure the deficiencies in the petition by July 2, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 3, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Daniel Moore
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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 June 3, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 3, 2021

RE: Docket No. 52012 – *Application of Brazos Valley Septic & Water, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer or Merger of Facilities and Certificate Rights in Robertson County*

CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Brazos Valley Septic & Water, Inc. (Brazos Valley) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Robertson County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. The application also seeks dual certification with a portion of Wellborn Special Utility District (Wellborn SUD).

Specifically, CSWR-Texas, certificate of convenience and necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Brazos Valley under water CCN No. 13094 and dual certification with a portion of Wellborn SUD's water CCN No. 11340.

Based on the mapping review by Tracy Montes, Infrastructure Division, the financial and managerial review by Fred Bednarski III, Rate Regulation Division, and my technical and managerial review of the additional information filed by the Applicants on May 4, 2021, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

Under 16 Texas Administrative Code § 24.233(a)(12), an agreement for dual certification or, if such agreement is not practicable, a statement of why dual certification is in the public interest, must be provided with the application. As CSWR-Texas is seeking dual certification of a portion of Wellborn SUD's water CCN No. 11340, which requires an agreement during administrative review. CSWR-Texas must provide an agreement for dual certification with a portion of Wellborn SUD's water CCN service area or the reasons why it is not practicable to get an agreement signed by Wellborn SUD. If an agreement is submitted it should indicate the total acreage of dual certification with Wellborn SUD's CCN.

Mapping Content:

CSWR-Texas submitted a revised STM application on May 4, 2021. The revised digital mapping data submitted is deficient. The shapefile provided does not accurately align with the existing boundary for Brazos Valley's CCN No. 13094.

CSWR-Texas must submit the following items to resolve the mapping deficiencies:

- Digital mapping data for each portion of the requested area (transfer area and dual 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).
- State the approximate acreage for each portion of the requested area:
 - Transfer area from Brazos Valley (CCN No. 13094) to CSWR (CCN No. 13290)
 - Portion of dual certification between Wellborn SUD (CCN No. 11340) and CSWR (CCN No. 13290)

Staff recommends CSWR-Texas obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.