



Control Number: 52016



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**DOCKET NO. 52016**

2021 MAY 12 PM 2:04

**PETITION OF COUNTY LINE  
SPECIAL UTILITY DISTRICT AND  
POLONIA WATER SUPPLY  
CORPORATION FOR APPROVAL OF  
SERVICE AREA CONTRACT UNDER  
TEXAS WATER CODE § 13.248 AND  
TO AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
CALDWELL COUNTY**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

On April 12, 2021, County Line Special Utility District (CLSUD) and Polonia Water Supply Corporation (Polonia) (jointly, 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 Caldwell County. With this application, Polonia agrees to transfer a portion of its water service area under CCN number 10240 to CLSUD under water CCN number 10292.

On April 13, 2020, the administrative law judge signed Order No. 1, requiring Staff of the Public Utility Commission (Staff) to file comments on the administrative completeness of the application and proposed notice along with a proposed procedural schedule by May 12, 2021.

**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 complete at this time.

**II. NOTICE**

Notice in this matter is governed by 16 TAC § 24.253(c). Pursuant to this section, two forms of notice may potentially be required. First, if affected customers will be transferred as part of the contract, then notice must be provided to them<sup>1</sup>. As stated in the application, there are no retail water customers of Polonia located within the Transfer Tracts. As such, Staff recommends that this notice provision is not applicable.

Second, if a regulatory authority, such as a governing board of a WSC or a city council, made the decision to enter into the contract at a meeting of that authority, then the agenda or

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<sup>1</sup> 16 TAC § 24.253(c)(1)

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minutes of that meeting may serve as notice<sup>2</sup>. CLSUD and Polonia submitted their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Additionally, Petitioners provided affidavits attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

Consequently, Staff recommends that the Petitioners have satisfied the notice requirements of 16 TAC § 24.253(c) and that no further notice should be required.

### **III. PROPOSED PROCEDURAL SCHEDULE**

In accordance with Staff's sufficiency recommendation, Staff proposes the following procedural schedule for further processing of the docket.

<b>Event</b>	<b>Deadline</b>
Deadline for intervention	May 19, 2021
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	June 9, 2021
Deadline for Petitioners to file signed consent forms with the Commission	June 16, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	June 23, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	July 7, 2021

### **IV. CONCLUSION**

For the foregoing reasons, Staff respectfully recommends that an order be issued deeming the application administratively complete, and adopting the foregoing proposed procedural schedule.

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<sup>2</sup> 16 TAC § 24.253(c)(2).

Dated: May 12, 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 on May 12, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann  
Phillip Lehmann

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** May 12, 2021

**RE:** Docket No. 52016 – *Petition of County Line Special Utility District and Polonia Water Supply Corporation for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Caldwell County*

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On April 12, 2021, County Line Special Utility District and Polonia Water Supply Corporation (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the County Line Special Utility District's water certificate of convenience and necessity (CCN) No. 10292 and Polonia Water Supply Corporation's water CCN No. 10420 in Caldwell County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

On April 12, 2021, the Petitioners submitted additional documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, County Line Special Utility District and Polonia Water Supply Corporation submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Petitioners also provided affidavits attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

The requested area includes 0 current customers and approximately 98 acres of transferred area (from CCN No. 10420). The result of the petition will be the subtraction of approximately 98 acres from CCN No. 10420. The result of the petition will be the addition of approximately 98 acres to CCN No. 10292.

Specifically, the County Line Special Utility District and Polonia Water Supply Corporation entered into a contractual agreement which permits the County Line Special Utility District to provide water services within the agreed upon water service area. The Petitioners will not transfer assets or facilities under the terms of the agreement. The water service area the Petitioners contracted to transfer consists of approximately 98 acres.

Mapping Staff has reviewed the mapping information and recommends the application be deemed administratively complete and sufficient for filing.