



Control Number: 52090



Item Number: 10

Addendum StartPage: 0

DOCKET NO. 52090

FILED

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**PETITION OF REDBIRD §
DEVELOPMENT, LLC TO AMEND §
DOBBIN PLANTERSVILLE WATER §
SUPPLY CORPORATION'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On May 6, 2021, Redbird Development, LLC (Redbird) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin) water certificate of convenience and necessity (CCN) number 11052 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Redbird asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Redbird filed supplemental information on May 28, 2021.

On June 9, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 23, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation explaining whether there are any mapping deficiencies or other deficiencies with the petition. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information, as well as the ALJs comments in Order No. 2, and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the petition be found administratively complete.

II. NOTICE SUFFICIENCY

Under 16 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.

Redbird states in its filing that it mailed a copy of its petition to the CCN holder, Dobbin, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice issued be found sufficient.

III. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under 16 TAC § 24.245(h)(7), there is an expedited statutory deadline of 60 days for approval that begins once the administrative ALJ issues an order finding an application administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for responses to the administratively complete Petition	July 14, 2021
Deadline for Commission Staff's recommendation on final disposition	July 28, 2021
Deadline for Redbird to file a reply Commission Staff's recommendation on final disposition ¹	August 4, 2021

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Redbird's petition be found administratively complete, that notice be found sufficient, and that the proposed procedural schedule be adopted.

¹ Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Dated: June 23, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Phillip Lehmann
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DOCKET NO. 52090

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 23, 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: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 23, 2021

RE: Docket No. 52090 – *Petition of Redbird Development, LLC to Amend Dobbin Plantersville Water Supply Corporation's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On May 6, 2021, Redbird Development, LLC (Redbird) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin) water certificate of convenience and necessity (CCN) No. 11052 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Redbird asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

Redbird submitted a sworn affidavit attesting that the property was not receiving water service from Dobbin and a warranty deed confirming Redbird's ownership of the tract of land. Staff received confirmation from Redbird that Conservative Investments, Inc. is the lender and therefore listed as the beneficiary of the same tract of land. In addition, Redbird submitted sufficient maps and digital data for determining the location of the requested release area within Dobbin's certificated service area. The total property is approximately 388.5 acres. The requested area to be released from Dobbin, CCN No. 11052, is approximately 372.2 acres.

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

Based on the mapping review by Gary Horton and my technical and managerial review of the additional information provided by Redbird, I recommend the petition be deemed administratively complete and accepted for filing.