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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 §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S 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 May 7, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of June 7, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information, and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the petition be found administratively incomplete. Staff further recommends that Redbird be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by July 7, 2021, and that Staff be given a deadline of August 6, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete and that Redbird be ordered to file supplemental information to cure the deficiencies in the petition by July 7, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 7, 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 via electronic mail on June 7, 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 7, 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. A warranty deed was submitted which indicates Redbird paid \$10 and is the Grantee of the tract of land and Conservative Investments, Inc. paid \$6,500,000 and is the Beneficiary of the same tract of land.

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, Infrastructure Division, and my technical and managerial review of the additional information provided by Redbird on May 28, 2021, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

As stated above, Redbird paid \$10 and is the Grantee of the tract of land and Conservative Investments, Inc. paid \$6,500,000 and is the Beneficiary of the same tract of land, however Conservative Investments, Inc. is not a party in this petition. Redbird must provide additional information regarding the relationship between Redbird and Conservative Investments, Inc. and how this affects the ownership of the land.