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DOCKET NO. 52132

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**APPLICATION OF LUMBERTON §
MUNICIPAL UTILITY DISTRICT TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
HARDIN COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

On May 17, 2021, Lumberton Municipal Utility District (Lumberton MUD) filed an application to amend its certificate of convenience and necessity (CCN) in Hardin County. Lumberton MUD holds water CCN No. 10929. On June 2, 2021, Lumberton MUD filed an amended application.¹

On May 18, 2021, the administrative law judge (ALJ) filed Order No. 1 establishing a deadline of July 2, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule for the 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 Jolie Mathis, Infrastructure Division, recommends that the application is incomplete from a managerial and technical perspective. Staff further recommends that Lumberton MUD be ordered to cure the deficiencies identified in Ms. Mathis’ memorandum by July 28, 2021 and that Staff be given a deadline of August 25, 2021 to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Lumberton MUD should not issue notice until the application is deemed sufficient.

¹ Order No. 1 required Lumberton MUD to file a revised application because they initially used the form to amend an electric CCN’s service area boundary.

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 application be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that Lumberton MUD be ordered to file supplemental information to cure the deficiencies in the application by July 28, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 1, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Scott Miles
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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 July 1, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: June 30, 2021

RE: Docket No. 52132 – *Application of Lumberton Municipal Utility District to Amend its Certificate of Convenience and Necessity in Hardin County*

On May 17, 2021, Lumberton Municipal Utility District (Lumberton MUD) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 10929 in Hardin County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. On June 2, 2021, Lumberton MUD filed an amended application.¹

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information filed by Lumberton MUD, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

The following deficiencies must be remedied:

1. Signed and Notarized Affidavit

Please submit a signed oath on Page 12 of 18.

2. Requested area overlaps with the City of Lumberton and requires their consent.

Please submit a consent letter to provide retail water service within their city limit boundaries.

Mapping Content:

Lumberton MUD must submit the following item to resolve the mapping deficiencies:

The digital mapping data submitted with the application on **5/17/2021** is deficient. The digital mapping data must include a shapefile in a polygon format. In addition, the requested area must remove the overlap with a portion of the Lumberton MUD's CCN No. 10929.

¹ Order No. 1 required Lumberton MUD to file a revised application because they initially used the form to amend an electric CCN's service area boundary.

Applicant must submit the following items to resolve the mapping deficiencies:

- Revised digital mapping data for the requested area, as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
- State the approximate total acreage for the requested area as indicated in the revised digital mapping data.
- Include a complete response to numbers 33 and 34 of the application.

Staff recommends the Applicant 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.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).