



## Filing Receipt

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**DOCKET NO. 52290**

**APPLICATION OF EVAN STATON § PUBLIC UTILITY COMMISSION  
FOR SALE, TRANSFER, OR MERGER §  
OF EXEMPT UTILITY § OF TEXAS  
REGISTRATION §**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND COMMENTS ON THE APPLICATION**

On June 30, 2021, Garth Duncan and Rhonda Hardin and Evan Staton (collectively, Applicants) filed what appears to be an application for the sale, transfer, or merger (STM) of an exempt utility and associated registration number N0059.

On October 4, 2021, the administrative law judge (ALJ) filed Order No. 5, requiring the Staff of the Public Utility Commission of Texas (Staff), to file a recommendation on the administrative completeness of the application by November 1, 2021. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the application, and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in application content as Mr. Staton has not yet filed the exempt utility registration form, and the Applicants need to confirm whether Lone Oak Water is the name of a subdivision or of a public or non-public water system registered with the Texas Commission on Environmental Quality (TCEQ). Staff respectfully recommends that the Applicants submit the additional application content, as further detailed in the attached memorandum.

**II. PROCEDURAL SCHEDULE**

Consistent with Staff's above recommendation, Staff does not propose a procedural schedule at this time. Instead, Staff recommends that the Applicants be given a deadline of December 1, 2021 to file the exempt utility registration form and that Staff be given a deadline of January 7, 2021 to file a supplemental recommendation on sufficiency of the application.

### III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: November 1, 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 via electronic mail on November 1, 2021, accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** November 1, 2021

**RE:** Docket No. 52290 – *Application of Evan Staton for Sale, Transfer, or Merger of Exempt Utility Registration*

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On June 30, 2021, Garth Duncan and Rhonda Hardin and Evan Staton (Mr. Staton) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities of an exempt utility in Erath County, Texas, under 16 Texas Administrative Code (TAC) § 24.229. Under 16 TAC § 24.229(e), a utility is exempt from the requirement to possess a certificate of convenience and necessity (CCN) in order to provide retail water service if it has less than 15 potential service connections.

Specifically, Mr. Staton seeks approval to acquire facilities and to transfer all of the water service area from Lone Oak Water under exempt utility registration number N0059.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted on October 14, 2021 are sufficient. Based on my technical and managerial review of the information filed by Mr. Staton, I recommend that the application be deemed administratively incomplete and not accepted for filing. As of October 29, 2021, Mr. Staton has not filed the exempt utility registration form and required attachments. A blank exempt utility registration application can be found at:

[https://puc.texas.gov/industry/water/Forms/Exempt\\_Utility\\_Form.pdf](https://puc.texas.gov/industry/water/Forms/Exempt_Utility_Form.pdf)

Additionally, the Applicants must confirm whether Lone Oak Water is the name of a subdivision or the name of a public or non-public water system registered with the Texas Commission on Environmental Quality (TCEQ). If it is a public water system, then Applicants must provide the TCEQ identification number.