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DOCKET NO. 52453

APPLICATION OF SKYLINE DRIVE	§	PUBLIC UTILITY COMMISSION
LANDOWNERS ASSOCIATION TO	§	
AMEND ITS CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
JOHNSON COUNTY	§	

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS, PROPOSED NOTICE, AND PROPOSED
PROCEDURAL SCHEDULE AND REQUEST TO RESTYLE THE DOCKET**

On August 20, 2021, Skyline Drive Landowners Association (Skyline Drive Landowners) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County. Skyline Drive Landowners filed supplemental information on September 15, 2021 and September 21, 2021. In the latter filing, Skyline Drive Landowners clarified its intent that it is only requesting to decertify a portion of its water CCN. The requested service area for decertification consists of approximately 22 acres and zero existing customer connections.

On September 21, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of November 4, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation 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 Patricia Garcia, Infrastructure Division, recommends that the application is administratively complete. Additionally, since Skyline Drive Landowners only intends to decertify a portion of its water CCN, Staff recommends that the financial deficiencies previously identified by Staff are no longer relevant. Staff’s recommendation on administrative completeness is not a comment on the merits of the application.

II. PROPOSED NOTICE

As detailed in Ms. Garcia's memorandum, Staff recommends that Skyline Drive Landowners proceed with providing public notice of its application, in accordance with the notice requirements for CCN amendments by decertification under 16 Texas Administrative Code (TAC) § 24.245(d)(2). Staff recommends that Skyline Drive Landowners use the attached form titled *Notice to Neighboring Systems, Landowners, Customers, and Cities* to provide individual notice to landowners and any affected customers and parties in the requested area. Additionally, Staff recommends that all individual notices include an accurate map delineating the water service area requested for decertification. Once notice has been provided, Staff recommends that Skyline Drive Landowners file proof of notice as detailed in Ms. Garcia's memorandum, using the attached form titled *Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities, and Affected Parties*.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Skyline Drive to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	December 3, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	December 13, 2021
Deadline to intervene	30 days after notice is issued

IV. REQUEST TO RESTYLE THE DOCKET

Staff respectfully requests that this docket be restyled as *Application of Skyline Drive Landowners Association to Decertify a Portion of its Water Certificate of Convenience and Necessity in Johnson County* to accurately reflect that Skyline Drive Landowners seeks to amend its CCN by decertification under 16 TAC § 24.245(d)(2).

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Skyline Drive be directed to provide notice as described in Ms. Garcia's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: November 4, 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 November 4, 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: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: November 4, 2021

RE: Docket No. 52453 – *Application of Skyline Drive Landowners Association to Amend its Certificate of Convenience and Necessity in Johnson County*

On August 20, 2021, Skyline Drive Landowners Association (Skyline Drive Landowners) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County, Texas. On September 21, 2021, Skyline Drive Landowners filed supplemental information clarifying its intent that it is only requesting to decertify a portion of its water CCN. This application was reviewed under Texas Water Code (TWC) § 13.250 and 16 Texas Administrative Code (TAC) § 24.245. The application proposes the subtraction of approximately 22 acres from Skyline Drive Landowners' water CCN No. 12479.

The requested area includes 0 customer connections and approximately 22 acres, comprised of 22 acres to be decertified from CCN No. 12479.

The application indicates that the total acreage being requested is approximately 85 acres. Based on the mapping review by Gary Horton, Infrastructure Division, it was determined the requested area (portion to be decertified) is approximately 22 acres. On September 21, 2021, Skyline Drive Landowners filed supplemental information to address this discrepancy.

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on August 20, 2021 are sufficient. Based on my technical and managerial review of the information filed by Skyline Drive Landowners, I recommend that the application be deemed administratively complete. I further recommend that Skyline Drive Landowners be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:

- a. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - b. Any affected customers, and other affected parties in the requested area.
- 2) Provide notice using the attached notice forms.
- 3) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to landowners and customers.
- 4) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, and the date that the notice was provided.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Skyline Drive Landowners. Skyline Drive Landowners will have 20 days from the receipt of the RFI to respond.

Notice to Neighboring Systems, Landowners, Customers, and Cities

**NOTICE OF APPLICATION OF SKYLINE DRIVE LANDOWNERS ASSOCIATION TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY BY DECERTIFYING A PORTION OF THEIR
WATER UTILITY SERVICE AREA IN JOHNSON COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Skyline Drive Landowners Association has filed an application with the Public Utility Commission of Texas to amend its water service area by decertifying a portion of its Certificate of Convenience and Necessity (CCN) No. 12479 in Johnson County, Texas. There are no customers in the service area being requested to be decertified in this docket.

The requested area includes 0 customer connections, is located approximately 5 miles northeast of downtown Godley, Texas, and is generally bounded on the north by 1st Street (Highcrest Estates); on the east by CR 915; on the south by CR 915; and on the west by Clearview Drive.

The requested area includes approximately 22 acres, comprised of 22 acres to be decertified (from CCN No. 12479).

The application proposes the subtraction of approximately 22 acres from CCN No. 12479.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:
Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 52453

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____