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DOCKET NO. 52460

**APPLICATION OF MOUNTAIN PEAK § PUBLIC UTILITY COMMISSION
SPECIAL UTILITY DISTRICT TO §
AMEND ITS CERTIFICATE OF § OF TEXAS
CONVENIENCE AND NECESSITY IN §
ELLIS AND JOHNSON COUNTIES §**

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

On August 23, 2021, Mountain Peak Special Utility District (Mountain Peak SUD) filed an application to amend its certificate of convenience and necessity (CCN) in Ellis and Johnson Counties. Mountain Peak SUD holds water CCN No. 10908.

On August 26, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of September 23, 2021 for the Staff of the Public Utility Commission of Texas (Staff) 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 as detailed in the attached memorandum from Jolie Mathis of the Commission’s Infrastructure Division, Staff recommends that the application is administratively incomplete from a mapping perspective. Staff further recommends that Mountain Peak SUD be ordered to cure the deficiencies identified in Ms. Mathis’ memorandum by October 25, 2021, and that Staff be given a deadline of November 23, 2021 to file a supplemental recommendation on the administrative completeness of the application.

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. Staff notes that Mountain Peak SUD should not issue notice until the application is deemed sufficient.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that Mountain Peak SUD be ordered to file supplemental information to cure the deficiencies in the application by October 25, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: September 23, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Jenna Keller
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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 September 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller

Public Utility Commission of Texas

Memorandum

TO: Jenna Keller, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: September 23, 2021

RE: Docket No. 52460 – *Application of Mountain Peak Special Utility District to Amend its Certificate(s) of Convenience and Necessity in Ellis and Johnson Counties*

On August 23, 2021, Mountain Peak Special Utility District (Mountain Peak SUD) filed with the Public Utility Commission of Texas an application to amend its water certificate of convenience and necessity (CCN) No. 10908 in Ellis and Johnson Counties, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

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

Mapping Content:

Mountain Peak SUD must submit the following items to resolve the mapping deficiencies:

Based on the mapping review by Tracy Montes, Infrastructure Division, the digital mapping data, detailed maps, and general location maps submitted on August 23, 2021 are deficient. The existing facilities plus two hundred feet service area for Mountain Peak SUD (CCN No. 10908) overlaps with a portion of the requested area. If Mountain Peak SUD is seeking to decertify the portion of its existing facilities plus two hundred feet CCN that overlaps with the requested area, it must revise its general location and detailed maps to identify the portion to be decertified from CCN No. 10908.

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

- A general location map identifying the requested area to be added to Mountain Peak SUD's CCN and the portion of the facilities line plus 200 feet CCN to be decertified, in reference to the nearest county boundary, city, or town.
- A detailed map identifying the requested area to be added to Mountain Peak SUD's CCN and the portion of the facilities line plus 200 feet CCN to be decertified, in

reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends that Mountain Peak SUD 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.

Staff will need at least 30 days to review the documentation, maps, and digital data provided by Mountain Peak SUD and draft a recommendation.

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>).