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DOCKET NO. 52522

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
LINDALE AND LINDALE RURAL	§	
WATER SUPPLY CORPORATION FOR	§	OF TEXAS
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN SMITH COUNTY	§	

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

On September 3, 2021, the City of Lindale (Lindale) and Lindale Rural WSC (Lindale WSC) (collectively, Applicants) filed an application for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Smith County. Lindale filed supplemental information on September 29, 2021.

On September 8, 2021, the administrative law judge filed Order No. 1, establishing a deadline of October 7, 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

After review, and as detailed in the attached memorandum of Pai Liu of the Commission's Infrastructure Division, Staff recommends that the application satisfies the requirements of TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Therefore, Staff recommends that the application be deemed administratively complete.

II. NOTICE

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority’s board decides to enter into a contract at a duly posted meeting, then the meeting agenda and minutes of the meeting can serve as notice. The meeting agenda and minutes for the applicable Lindale WSC meeting, held on May 28, 2021, were filed on September 3, 2021 as Exhibit B of the application. An affidavit attesting to notice, signed by Jamie Davin,

General Manager of Lindale WSC, was also included. Likewise, the meeting agenda and minutes for the applicable Lindale meeting, held on June 1, 2021, were filed on September 3, 2021 as Exhibit C of the application. An affidavit attesting to notice, signed by Carolyn Caldwell, City Manager for Lindale, was also included. Staff further recommends that individual notice under 16 TAC § 24.253(c)(1) is not required because the service area to be transferred does not contain any existing customers.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Deadline for intervention	October 21, 2021
Deadline for Commission Staff to provide final maps and certificates to Applicants	November 4, 2021
Deadline for Applicants to file signed consent forms with the Commission	November 18, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	November 30, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	December 10, 2021

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendations.

Dated: October 6, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

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/s/ Merritt Lander
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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 on October 6, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: October 7, 2021

RE: Docket No. 52522 – *Application of the City of Lindale and Lindale Rural Water Supply Corporation for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Smith County*

On September 3, 2021, the City of Lindale (Lindale) and Lindale Rural Water Supply Corporation (Lindale WSC) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Lindale's water certificate of convenience and necessity (CCN) No. 12795 and Lindale WSC's water CCN No. 10758 in Smith County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Lindale and Lindale WSC entered into a contractual agreement that permits Lindale to provide water services within the agreed upon water certificated service area. The Applicants will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined that the requested area includes 0 customer connections and approximately 28.7 acres of transferred area from Lindale WSC's CCN No. 10758. The application proposes the subtraction of approximately 28.7 acres from Lindale WSC's CCN No. 10758 and the addition of approximately 28.7 acres to Lindale's CCN No. 12795.

Applicants submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Lindale and Lindale WSC submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Applicants also provided affidavits attesting to the date that notice was posted and the dates that the respective meetings approving the agreement transpired.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information filed by the Applicants on September 29, 2021, I recommend that the application be deemed administratively complete.