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DOCKET NO. 52551

PETITION OF BLACKLAND WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF ROCKWALL TO	§	OF TEXAS
DECERTIFICATE PORTIONS OF A	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY UNDER TEXAS	§	
WATER CODE § 13.254(a) IN	§	
ROCKWALL COUNTY	§	

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On September 10, 2021, Blackland Water Supply Corporation (Blackland WSC) and the City of Rockwall (Rockwall) (collectively, Petitioners) filed a petition requesting approval of a service area agreement entered into between Blackland WSC and Rockwall under Texas Water Code (TWC) § 13.248; for amendment of Blackland WSC’s water Certificate of Convenience and Necessity (CCN) No. 11305 under TWC § 13.255(a); and for decertification of a portion of Blackland WSC’s certificated service area under TWC § 13.254(a) based on agreements between Blackland WSC and developers. On February 25, 2022, the administrative law judge (ALJ) filed Order No. 4, which severed the proceeding into two separate dockets. On March 25, 2022, the Petitioners filed an amended petition in the instant docket, only addressing the issues from the original petition relevant to TWC § 13.254(a) and only including the agreements and maps to be reviewed under TWC § 13.254(a).

Order No. 5, filed on April 20, 2022, found the amended petition administratively complete, but found the notice deficient, establishing deadlines for the parties to meet related to notice. On May 12, 2022, the Petitioners filed an errata to its amended petition, and on May 23, 2022, the ALJ filed Order No. 6, which established a deadline of June 13, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to make a new recommendation on administrative completeness. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

After reviewing Petitioner’s errata to the amended petition, and as detailed in the attached memorandum of Patricia Garcia of the Commission’s Infrastructure Division, Staff continues to

recommend that the amended petition be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. CONCLUSION

For the reasons detailed above, Staff recommends that the amended petition continue to be found administratively complete. Staff respectfully requests the entry of an order consistent with the foregoing recommendation.

Dated: June 13, 2022

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 June 13, 2022, 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: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 13, 2022

RE: Docket No. 52551 –*Petition of Blackland Water Supply Corporation and the City of Rockwall to Decertify Portions of a Certificate of Convenience and Necessity Under Texas Water Code § 13.254(a) in Rockwall County*

On September 10, 2021, Blackland Water Supply Corporation (Blackland WSC) and the City of Rockwall (Rockwall) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Blackland WSC’s water certificate of convenience and necessity (CCN) No. 11305 under TWC § 13.254(a) in Rockwall County, Texas.

On October 11, 2021, the Staff (Staff) of the Public Utility Commission of Texas (Commission) recommended the agreements filed by the Petitioners be processed under TWC §§ 13.254(a) and 13.255. On January 21, 2022, the Petitioners filed a joint petition requesting decertification of two separate portions of Blackland WSC’s CCN area and approval of contracts under TWC §§ 13.254(a) and 13.255 to complete the decertification of each area. On February 25, 2022, the administrative law judge (ALJ) severed the docket into two separate dockets. In this docket, the agreements will be reviewed under TWC § 13.254(a).

Blackland WSC and Rockwall entered into contractual agreements, which permit Rockwall to provide water services within the agreed upon water certificated service areas. The petition was submitted in order to remove the requested areas from Blackland WSC’s CCN area. The requested area includes approximately 881 acres to be decertified under 13.254(a). Rockwall currently provides retail water utility service to customer connections that are located within the requested area, which is also within Rockwall’s city limits. Rockwall does not have a CCN number, is not required to have one, and does not want a CCN number assigned to it. Therefore, this area is requested to be decertified from Blackland WSC’s CCN No. 11305 under TWC § 13.254(a). The proposed request will result in the area becoming uncertificated area that is inside the city limits of Rockwall.

The petition proposes the subtraction of approximately 881 acres of bounded area from CCN No. 11305.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with Item 22 on May 12, 2022, are sufficient. Based on my technical review of the information filed by the Petitioners on March 25, 2022 and May 12, 2022, I recommend that the petition be deemed sufficient for filing and found administratively complete.