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DOCKET NO. 52632

APPLICATION OF THE TOWN OF	§	PUBLIC UTILITY COMMISSION
LAKESIDE AND THE CITY OF FORT	§	
WORTH FOR SALE, TRANSFER, OR	§	OF TEXAS
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN TARRANT	§	
COUNTY	§	

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

On September 23, 2021, the Town of Lakeside (Lakeside) and the City of Fort Worth (Fort Worth) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Tarrant County. Specifically, Lakeside seeks approval to acquire facilities and to transfer water service area held under Fort Worth’s Certificate of Convenience and Necessity (CCN) number 12311. Applicants filed supplemental information on September 30, 2021.

On September 24, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 22, 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 supplemental information and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the application is administratively incomplete from a managerial and technical perspective. Staff further recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Mathis’ memorandum by November 22, 2021, and that Staff be given a deadline of December 22, 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 the Applicants 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 the Applicants be ordered to file supplemental information to cure the deficiencies in the application by November 22, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 22, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/Mildred Anaele
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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 October 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele
Mildred Anaele

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: October 22, 2021

RE: Docket No. 52632 – *Application of Town of Lakeside and City of Fort Worth for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

City of Fort Worth (Fort Worth) and the Town of Lakeside (Lakeside) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Tarrant County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Fort Worth, certificate of convenience and necessity (CCN) No. 12311, seeks approval to acquire facilities and to transfer a portion of the water service area from Lakeside under water certificate of convenience and necessity (CCN) No. 10073.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information filed by Applicants, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

The following deficiencies must be remedied:

1. Dual Certification with Lakeside

The Fort Worth is currently dually certified with the Lakeside for a portion of the requested STM area. Therefore, Fort Worth cannot request that portion of its requested STM area as part of its application.

Applicants must either:

- 1) File an amended STM application requesting decertification by Lakeside (CCN No. 10073) for the portion of the requested STM area where it is dually certificated with Fort Worth. This amended STM application must be accompanied by an agreement for decertification; or
- 2) File an amended STM application that does not request the area that is dually

certificated to Lakeside and Fort Worth.

Mapping Content:

Maps submitted with **Item 3** on **9/30/2021** are deficient.

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>).