



Filing Receipt

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DOCKET NO. 52639

PETITION OF CR FARMS, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND TARKINGTON SPECIAL	§	
UTILITY DISTRICT'S WATER	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN LIBERTY	§	
COUNTY BY EXPEDITED RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On September 27, 2021, CR Farms, LLC (CR Farms) filed a petition for streamlined expedited release from Tarkington Special Utility District's (Tarkington SUD) water Certificate of Convenience and Necessity (CCN) No. 11448 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). CR Farms asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Liberty County, which is a qualifying county. CR Farms filed supplemental information on October 5, 2021.

On September 29, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 27, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice and whether the petition should be severed into multiple petitions addressing multiple tracts. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the supplemented petition is administratively incomplete. Staff further recommends that CR Farms be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by November 15, 2021 and that Staff be given a deadline of December 15, 2021 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff's mapping experts may be required to assist CR Farms regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

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 petition be found administratively complete. Additionally, Staff defers making its recommendation on whether the petition should be severed into multiple petitions addressing multiple tracts until Staff files a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented petition be found administratively incomplete, that CR Farms be ordered to file supplemental information to cure the deficiencies in the petition by November 15, 2021, and that Staff be given a deadline of December 15, 2021 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 27, 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 on October 27, 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: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: October 27, 2021

RE: Docket No. 52639 – *Petition of CR Farms, LLC to Amend Tarkington Special Utility District's Certificate of Convenience and Necessity in Liberty County by Expedited Release*

On September 27, 2021, CR Farms, LLC (CR Farms) filed a petition for streamlined expedited release from Tarkington Special Utility District 's (Tarkington SUD) water Certificate of Convenience and Necessity (CCN) No. 11448 in Liberty County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). CR Farms asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Liberty County, which is a qualifying county.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information provided by CR Farms, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

The legal property descriptions attached to the special warranty deed are not legible. CR Farms has emailed Staff legible attachments for these legal descriptions. Staff recommends that CR Farms must also submit this information in a supplemental filing. Additionally, there is a discrepancy between the total acreage amount in these legal descriptions and the total acreage amount that CR Farms listed in the petition. Specifically, the deed and its attachments indicate that CR Farms owns 10,655.751 acres, while the petition indicates that CR Farms owns 10,679.186 acres. Staff notes that it understands that this discrepancy is due to CR Farms including in its total acreage 23.345 acres that are excepted from the total acreage in the legal descriptions of its deed. CR Farms has since informed Staff there is an additional deed that will resolve this discrepancy. Staff recommends that CR Farms must also submit this information in a supplemental filing.

Mapping Content:

Maps and digital mapping data submitted on September 27, 2021 and October 5, 2021 are deficient. The revised maps and shapefile should identify each tract of land and should approximately match the acreage conveyed in the deeds.

CR Farms must submit the following items to resolve the mapping deficiencies:

- A revised general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A revised detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Revised 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 the Petitioner obtain additional mapping guidance from the PUC's mapping staff, Mr. Gary Horton, by email at gary.horton@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 CR Farms and draft a recommendation.