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Received - 2022-04-07 02:16:20 PM
Control Number - 52646
ItemNumber - 16

DOCKET NO. 52646

PETITION OF THE CITY OF NEW	§	PUBLIC UTILITY COMMISSION
BOSTON AND CENTRAL BOWIE	§	
COUNTY WATER SUPPLY	§	OF TEXAS
CORPORATION FOR APPROVAL OF	§	
SERVICE AREA CONTRACT UNDER	§	
TEXAS WATER CODE §§ 13.248 AND	§	
13.255 AND TO AMEND CERTIFICATES	§	
OF CONVENIENCE AND NECESSITY IN	§	
BOWIE COUNTY	§	

**COMMISSION STAFF’S COMMENTS REGARDING ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On September 27, 2021, the City of New Boston and Central Bowie County Water Supply Corporation (collectively, Petitioners) filed a petition for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Bowie County. Petitioners filed supplemental information on December 3 and 17, 2021, and February 17, 2022.

On March 22, 2022, the administrative law judge (ALJ) filed Order No. 6 establishing a deadline of April 8, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as supported by the attached memorandum of Jolie Mathis of the Infrastructure Division, Staff recommends that the petition be found incomplete from a managerial and technical perspective. Staff recommends that Petitioners be ordered to cure the deficiencies identified in Ms. Mathis’s memorandum by May 9, 2022, and that Staff be given a deadline of June 14, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist Petitioners regarding the required supplemental mapping information and will require at least thirty days to review same.

II. PROCEDURAL SCHEDULE

Until the petition is deemed administratively complete, Staff recommends that the procedural schedule be limited to curing the deficiencies in the petition and Staff's supplemental recommendations. As explained above, Staff recommends that Petitioners be ordered to cure the deficiencies identified in Ms. Mathis's memorandum by May 9, 2022, and that Staff be given a deadline of June 14, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Once the petition is deemed administratively complete, Staff will make further recommendations on the processing of this petition.

III. REQUEST TO RESTYLE DOCKET

Staff notes that the current style of this docket references Texas Water Code § 13.255, which is no longer applicable to this proceeding. Therefore, Staff respectfully requests that the style of this docket be changed to "Petition of the City of New Boston and Central Bowie County 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 Bowie County."

IV. CONCLUSION

Staff respectfully requests entry of an order consistent with this pleading.

Dated: April 7, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
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/s/ R. Floyd Walker
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DOCKET NO. 52646
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 April 7, 2022, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker

R. Floyd Walker

Public Utility Commission of Texas

Memorandum

TO: Floyd Walker, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 7, 2022

RE: Docket No. 52646 – *Petition of the City of New Boston and Central Bowie County Water Supply Corporation for Approval of a Service Area Contract Under Texas Water Code §§ 13.248 and 13.255 and to Amend Certificates of Convenience and Necessity in Bowie County*

On September 27, 2021, the City of New Boston (the City) and Central Bowie County Water Supply Corporation (Central Bowie County WSC) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend City's water certificate of convenience and necessity (CCN) No. 10525 and Central Bowie County WSC's water CCN No. 13164 in Bowie County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, the City and Central Bowie County WSC entered into a contractual agreement which

- i. transfers portions of the Central Bowie County WSC's CCN No. 13164 to the City's CCN No. 10525;
- ii. transfers portions of the City's CCN No. 10525 to the Central Bowie County WSC's CCN No. 13164; and
- iii. establishes areas dual certification between the City and Central Bowie County WSC.

Based on the mapping review by Tracy Montes, Infrastructure Division and my technical review of the additional information filed by the Petitioners on February 17, 2022, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Petition Content (related to mapping):

Staff requires acreage clarification for each portion of the requested area as indicated on the revised maps and digital data filed on February 17, 2022.

The petitioner must submit written documentation stating if Staff's acreage calculations for each portion of the requested area listed below are accurate using the digital mapping data (calculated using state plane zone coordinate system). If the calculations are incorrect, please provide the correct acreage calculations for each portion of the requested area:

- *Requested Area for City of New Boston (CCN No. 13164)-*
 - Portions to be Transferred to CCN No. 13164 includes [RA 1A, 1B, 3, 7] = 2,288 acres
 - Add Dual Certification to CCN No. 13164 include [RA 4] = 6 acres
- *Requested Area for Central Bowie WSC (CCN No. 10525)-*
 - Portions to be Transferred to CCN No. 10525 include [RA 2 and 6] = 56 acres
 - Add Dual Certification to CCN No. 10525, includes [RA 5 and 8] = 713 acres
- Total acreage for the requested areas includes approximately: 3,063 acres

Staff recommends that the Petitioners 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 the Petitioners and draft a recommendation.