



Filing Receipt

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DOCKET NO. 52661

APPLICATION OF TRI-COUNTY	§	PUBLIC UTILITY COMMISSION
POINT PROPERTY OWNERS	§	
ASSOCIATION AND CSWR-TEXAS	§	OF TEXAS
UTILITY OPERATING COMPANY,	§	
LLC FOR SALE, TRANSFER, OR	§	
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN JACKSON	§	
COUNTY		

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

On September 30, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR) and Tri-County Point Property Owners Association (Tri-County) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Jackson County. Specifically, CSWR, water certificate of convenience and necessity (CCN) No. 13290 and sewer CCN No. 21120, seeks approval to acquire facilities and to transfer all of the water and sewer service area from Tri-County under water CCN No. 11786 and sewer CCN No. 20616. The Applicants filed supplemental information on October 1, 2021, October 14, 2021, and October 15, 2021.

On October 5, 2021, the administrative law judge (ALJ) filed Order No. 1 establishing a deadline of October 29, 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 Fred Bednarski and Kathryn Eiland of the Commission’s Rate Regulation Division, recommends that the application is administratively complete from a financial perspective. However, based on the memorandum from Patricia Garcia of the Commission’s Infrastructure Division, Staff 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. Garcia’s memorandum by

November 29, 2021, and that Staff be given a deadline of December 29, 2021 to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information. Staff's mapping experts may be required to assist the Applicants regarding the supplemental mapping information needed to cure the 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 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 29, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 29, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
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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 October 29, 2021, 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: Kathryn Eiland, Financial Analyst
Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: October 29, 2021

RE: Docket No. 52261 – *Application of TRI-County Point Property Owners Association and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Jackson County*

On September 30, 2021, Tri-County Point Property Owners Association and CSWR-Texas Utility Operating Company, LLC filed an application for the sale and transfer of facilities and certificate rights in Jackson County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

I reviewed the answers provided to questions 4, 10, 11, 12, and 14 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

Public Utility Commission of Texas

Memorandum

TO: Jenna Keller, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: October 29, 2021

RE: Docket No. 52661 – *Application of Tri-County Point Property Owners Association and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Jackson County*

CSWR-Texas Utility Operating Company, LLC (CSWR) and Tri-County Point Property Owners Association (Tri-County) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Jackson County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, water certificate of convenience and necessity (CCN) No. 13290 and sewer CCN No. 21120, seeks approval to acquire facilities and to transfer all of the water and sewer service area from Tri-County under water CCN No. 11786 and sewer CCN No. 20616.

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

Mapping Content:

The maps submitted on September 30, 2021 are deficient. Please e-file each individual PDF map identifying the requested water and requested sewer areas to be transferred. CSWR did not include a detailed map clearly indicating it is seeking to transfer the facility line CCN plus 200 feet held under CCN No. 11786.

The Applicants must submit the following items to resolve the mapping deficiencies:

- Revised detailed general location maps identifying only the requested water and sewer areas, in reference to the nearest county boundary, city, or town.
- Revised detailed maps identifying only the requested water and sewer areas, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

- Provide descriptions of location information, acreage, and customer connections information as requested in No. 30 of the application for each portion of the requested water and sewer areas according to each subdivision name and Public Water System ID Number.

Staff recommends that the Applicants 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 Applicants and draft a recommendation.

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>).