



Filing Receipt

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DOCKET NO. 52901

PETITION OF CREEDMOOR-MAHA	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
AND CITY OF AUSTIN FOR	§	OF TEXAS
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS	§	
COUNTY	§	

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS OF THE APPLICATION**

On November 30, 2021, Creedmoor-Maha Water Supply Corporation and the City of Austin (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248, and to amend Creedmoor-Maha’s water certificate of convenience and necessity (CCN) number 11029 and Austin’s water CCN number 11322 in Travis County, Texas.

On December 1, 2021, the administrative law judge (ALJ) filed Order No. 1 requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice by December 30, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that it be found administratively incomplete and not accepted for filing at this time. Staff further recommends that Petitioners be ordered to cure the deficiencies identified in Ms. Garcia’s memorandum by January 28, 2022 and that Staff be given a deadline of February 22, 2022 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 Petitioners regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same. Staff

notes that the Petitioners should not issue notice until the petition is found administratively complete.

II. PROPOSED 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.

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the petition be deemed deficient and respectfully requests the entry of an order consistent with the above recommendation.

Dated: December 29, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Bradley Reynolds
Bradley Reynolds
Texas State Bar No. 24125839
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3480
(512) 936-7307
(512) 936-7268 (facsimile)
Brad.Reynolds@puc.texas.gov

DOCKET NO. 52901

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 December 29, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds

Public Utility Commission of Texas

Memorandum

TO: Bradley Reynolds, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 29, 2021

RE: Docket No. 52901 – *Petition of Creedmoor-Maha Water Supply Corporation and City of Austin for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend a Certificates of Convenience and Necessity in Travis County*

On November 30, 2021, Creedmoor-Maha Water Supply Corporation (Creedmoor) and City of Austin (Austin) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Creedmoor's water certificate of convenience and necessity (CCN) No. 11029 and Austin's water CCN No. 11322 in Travis County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Creedmoor and Austin entered into a contractual agreement which permits Creedmoor to provide water services within the agreed upon water certificated service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Tracy Montes, Infrastructure Division and my technical review of the additional information filed by the Petitioners on December 6, 2021, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Petition Content:

The following deficiencies must be remedied:

- Under 16 TAC § 24.253(c)(2), the Petitioners must provide a copy of the meeting agenda and minutes for the meeting during which the decision to enter into the contract was discussed. Agendas and minutes were submitted by Creedmoor but Austin only submitted an affidavit. Austin must submit a copy of the agendas and minutes where the item was discussed. Additionally, Staff needs clarification on the landowners in the requested area. Provide a statement regarding the service currently provided to the requested area.

Mapping Content:

The maps and digital mapping data submitted on December 6, 2021 (Items 3 and 4) are deficient. Remove the existing CCN's from the detailed and general location maps. The boundary of the requested area should be delineated the same on the detailed and general location maps. The detailed map should zoom in closer to the requested area to be transferred. The contents of the shapefile (includes nine files) should include the same filename but should have different extensions. When electronically filing the contents of the shapefile, you cannot rename the filenames or the extensions of the files. If you do, the shapefile cannot be used by staff.

The Petitioners 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 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.