



Filing Receipt

Received - 2022-02-25 11:03:02 AM
Control Number - 53148
ItemNumber - 5

DOCKET NO. 53148

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
LINDALE AND LINDALE RURAL	§	
WATER SUPPLY CORPORATION FOR	§	OF TEXAS
APPROVAL OF A SERVICE AREA	§	
AGREEMENT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN SMITH COUNTY	§	

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

On January 26, 2022, the City of Lindale (Lindale) and Lindale Rural Water Supply Corporation (Lindale WSC) (collectively, the Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Smith County.

On February 1, 2022, 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, notice, and propose a procedural schedule by February 25, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the Applicants’ application and, as detailed in the attached memorandum of James Harville, of the Infrastructure Division, recommends that the application be deemed administratively complete and sufficient for further review. This recommendation is not a comment on the merits of the application.

II. NOTICE

Notice in this matter is governed by 16 TAC § 24.253(c). Under this section, two forms of notice may potentially be required. First, if the decision to enter into a contract was discussed at a meeting of a city council, a water supply or sewer service corporation's board, district board, county commissioner's court, or other regulatory authority, a copy of the meeting agenda and minutes for the meeting during which the item was discussed may be considered sufficient notice

under 16 TAC § 24.253(c)(2). In this docket, the meeting agenda and minutes for the applicable Lindale and Lindale WSC meetings were filed as notice of the petition. Affidavits attesting to notice, signed by Carolyn Caldwell, Lindale's City Manager and Jamie Davlin, General Manager of Lindale WSC, were also filed with the petition. Therefore, Staff recommends that the Applicants have satisfied the notice requirements of 16 TAC § 24.253(c)(2).

If affected customers will be transferred as part of the contract, then notice must be provided to those customers as well under 16 TAC § 24.253(c)(1). As stated in the application, no customers will be affected by this transaction. Therefore, Staff contends that individual notice under 16 TAC § 24.253(c)(1) is not required as no customers will be affected.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Deadline
Deadline for intervention	February 21, 2022
If no hearing is requested, deadline for Staff to file a final recommendation on the application	March 25, 2022
Deadline for Staff to provide final maps and certificates to Applicants (if applicable)	March 31, 2022
Deadline for Applicants to file signed consent forms with the Commission	April 14, 2022
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	April 22, 2022

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that notice be found sufficient, and that the proposed procedural schedule be adopted.

Dated: February 25, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 53148

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 February 25, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: February 25, 2022

RE: Docket No. 53148 – *Application of the City of Lindale and Lindale Rural Water Supply Corporation for Approval of a Service Area Agreement Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Smith County*

On January 26, 2022, City of Lindale (Lindale) and Lindale Rural Water Supply Corporation (Lindale WSC) (collectively, the Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 to amend Lindale's water Certificate of Convenience and Necessity (CCN) No. 12795 and for dual certification with a portion of Lindale WSC's water CCN No. 10758 in Smith County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

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

The application indicates that the total acreage being requested is approximately 69.197 acres. Based on the mapping review by Gary Horton, of the Infrastructure Division, it was determined the requested area includes 0 customer connections and approximately 69 acres of dually certificated area (with CCN No. 10758).

The petition proposes the addition of approximately 69 acres to CCN No. 12795. 69 acres will have dual certification with CCN No. 10758.

On «Date_Information_Submitted», the Applicants submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Lindale and Lindale WSC submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Applicants also provided affidavits attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

Based on the mapping review by Mr. Horton, and my technical and managerial review of the information filed by the Applicants, I recommend that the application be deemed administratively complete.