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DOCKET NO. 53313

PETITION OF COUNTY LINE	§	PUBLIC UTILITY COMMISSION
SPECIAL UTILITY DISTRICT AND	§	
MAXWELL SPECIAL UTILITY	§	OF TEXAS
DISTRICT FOR APPROVAL OF	§	
SERVICE AREA CONTRACT UNDER	§	
TEXAS WATER CODE § 13.248 AND	§	
TO AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	
CALDWELL AND HAYS COUNTIES	§	

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

On March 7, 2022, County Line Special Utility District (County Line SUD) and Maxwell Special Utility District (Maxwell SUD) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend County Line SUD’s water Certificate of Convenience and Necessity (CCN) No. 10293 and Maxwell SUD’s water CCN No. 10293 in Caldwell and Hays counties, Texas. Petitioners entered into a contractual agreement permitting County Line SUD and Maxwell SUD to provide water services within the agreed upon water certificated service areas. Specifically, a portion of County Line SUD’s water service area under CCN No. 1092 is to be transferred to Maxwell SUD’s CCN No. 10293, and a portion of Maxwell SUD’s CCN No. 10293 is to be transferred to County Line SUD’s CCN No. 10292. No assets or facilities are to be transferred under the terms of the agreement.

On March 8, 2022, the administrative law judge filed Order No. 1, establishing a deadline of April 7, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and notice. Additionally, Order No. 1 required County Line SUD, Maxwell SUD, and Staff to file a recommendation regarding how to proceed with the application and propose a procedural schedule by April 7, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS AND NOTICE

As detailed in the attached memorandum of Jolie Mathis of the Commission’s Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff recommends that the maps submitted by

Petitioners on March 7 and March 24, 2022 are deficient. Staff further recommends that updated notice may be required to ensure consistency with any supplemental filings made by Petitioners to address the deficiencies in this docket.

II. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Petitioners to file a supplement addressing the identified deficiencies in the application and notice	May 9, 2022
Deadline for Commission Staff to file supplemental comments on the administrative completeness of the application and proposed notice	June 6, 2022

III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application and notice be found administratively incomplete at this time and that Petitioners be directed to file a supplement addressing the identified deficiencies by May 9, 2022.

Dated: April 6, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Robert Dakota Parish
Managing Attorney

/s/ Merritt Lander
Merritt Lander
State Bar No. 24106183
Jenna Keller
State Bar No. 24123891
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)
Merritt.Lander@puc.texas.gov

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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 April 6, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Jenna Keller, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 6, 2022

RE: Docket No. 53313 – *Petition of County Line Special Utility District and Maxwell Special Utility District for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Caldwell and Hays Counties*

On March 7, 2022, County Line Special Utility District (County Line SUD) and Maxwell Special Utility District (Maxwell SUD) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend County Line SUD's water Certificate of Convenience and Necessity (CCN) No. 10292 and Maxwell SUD's water CCN No. 10293 in Caldwell and Hays counties, Texas. Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Petitioners entered into a contractual agreement which permits County Line SUD and Maxwell SUD to provide water services within the agreed upon water certificated service areas. Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Hank Journey, Infrastructure Division, and my technical review of the information filed by Petitioners, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Mapping Content:

Maps submitted with Interchange Item Nos. 1 and 3 on March 7 and March 24, 2022, respectively, are deficient.

Petitioners must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

- 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 Petitioners obtain additional mapping guidance from the Commissioner's mapping staff, specifically Hank Journey, by email at hank.journey@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 Petitioners and draft a recommendation.