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DOCKET NO. 53315

PETITION OF LGI HOMES LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND MOUNTAIN PEAK SPECIAL	§	
UTILITY DISTRICT’S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN JOHNSON COUNTY BY	§	
EXPEDITED RELEASE	§	

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

On March 8, 2022, LGI Homes LLC (LGI) filed a petition for streamlined expedited release from Mountain Peak Special Utility District’s (Mountain Peak SUD) water Certificate of Convenience and Necessity (CCN) No. 10908 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). LGI asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Johnson County, which is a qualifying county. On March 24, 2022, LGI filed supplemental information.

On March 10, 2022, the administrative law judge (ALJ) 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 regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that LGI be ordered to cure the deficiencies identified in Ms. Liu’s memorandum by May 5, 2022, and that Staff be given a deadline of June 6, 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 LGI regarding the supplemental mapping information needed to cure the mapping 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 petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, that LGI be ordered to file supplemental information to cure the deficiencies in the petition by May 5, 2022, and that Staff be given a deadline of June 6, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 7, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Scott Miles
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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 April 7, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: April 7, 2022

RE: Docket No. 53315 – *Petition of LGI Homes LLC to Amend Mountain Peak Special Utility District's Certificate of Convenience and Necessity in Johnson County by Expedited Release*

On March 8, 2022, LGI Homes LLC (LGI) filed a petition for streamlined expedited release from Mountain Peak Special Utility District's (Mountain Peak SUD) water Certificate of Convenience and Necessity (CCN) No. 10908 in Johnson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). LGI asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located Johnson County, which is a qualifying county.

Based on the mapping review by Dave Babicki, Infrastructure Division, and my technical and managerial review of the additional information provided by LGI, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content

- The petition and affidavit, included as Exhibit E, indicate that the tract of land owned by LGI is approximately 75 acres, while the legal descriptions in the relevant deed and on the detailed map, included as Exhibit A and Exhibit C, indicate that the tract of land owned by LGI is 73.5240 acres (gross). Please clarify this discrepancy.
- If the response to the previous item is that LGI owns 73.5240 acres, please explain how the 0.9963 acres that lie within County Road 109 are owned by LGI. Please also provide supporting documentation. If LGI does not own the 0.9963 acres and only owns the 72.5277 acres (net), please indicate as such.
- Please file an amended petition and affidavit to accurately reflect the acreage of the tract of land owned by LGI.

Mapping Content:

Maps submitted with Item 1 on March 8, 2022 and Item 4 on March 24, 2022 are deficient.

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

- A general location map identifying only the tract of land, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the tract of land, 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 Petitioner obtain additional mapping guidance from the PUC's mapping staff, Dave Babicki by email at dave.babicki@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 LGI and draft a recommendation.