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DOCKET NO. 53328

PETITION OF DENTON OLIVER	§	PUBLIC UTILITY COMMISSION
CREEK, LP TO AMEND THE CITY OF	§	
JUSTIN’S WATER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
DENTON COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On March 10, 2022, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from the City of Justin's (City of Justin) water Certificate of Convenience and Necessity (CCN) No. 10167 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Ms. Marshall asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On March 11, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of April 8, 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, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Denton Oliver Creek be ordered to cure the deficiencies identified in Ms. Liu’s memorandum by May 9, 2022 and that Staff be given a deadline of June 8, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully notes that these deficiencies are related to mapping information and Staff’s mapping experts may be required to assist Denton Oliver Creek regarding the supplemental mapping information needed to cure the mapping deficiencies. Therefore, Staff will require at least thirty days to review any supplemental information provided by Denton Oliver Creek.

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 Denton Oliver Creek be ordered to file supplemental information to cure the deficiencies in the petition by May 9, 2022, and that Staff be given a deadline of June 8, 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 8, 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 8, 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 and Kevin Bartz, Attorneys
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: April 8, 2022

RE: Docket No. 53328 – *Petition of Denton Oliver Creek, LP to Amend the City of Justin's Water Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

On March 10, 2022, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from the City of Justin's (City of Justin) water Certificate of Convenience and Necessity (CCN) No. 10167 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

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

Mapping Content:

The maps submitted by Denton Oliver Creek with Item 1 on March 10, 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 member Hank Journey via 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 Denton Oliver Creek and draft a recommendation.