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DOCKET NO. 53335

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
BANGS TO AMEND ITS CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	OF TEXAS
AND FOR DUAL CERTIFICATION	§	
WITH BROOKESMITH SPECIAL	§	
UTILITY DISTRICT IN BROWN	§	
COUNTY	§	

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

On March 11, 2022, the City of Bangs (Bangs) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11093 and for dual certification with Brookesmith Special Utility District (SUD) in Brown County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

On March 15, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of April 11, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice, and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application, and as detailed in the attached memorandum from Fred Bednarski of the Commission’s Rate Regulation Division and the attached memorandum from Patricia Garcia of the Commission’s Infrastructure Division, Staff recommends that the application is administratively incomplete. Staff further recommends that Bangs be ordered to cure the deficiencies listed in the memorandum by May 11, 2022 and that Staff be given a deadline of June 10, 2022 to file a supplemental recommendation on the administrative completeness of the application.

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 application be found administratively complete. Staff notes that Bangs should not issue notice until the application is deemed sufficient.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that Bangs be ordered to file supplemental information to cure the deficiencies in the application by May 11, 2022 and that Staff be given a deadline of June 10, 2022 to file a supplemental recommendation on administrative completeness. Staff respectfully requests the entry of an order consistent with the foregoing recommendation.

Dated: April 11, 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
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 via electronic mail on April 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: April 11, 2022

RE: Docket No. 53335 – *Application of the City of Bangs to Amend Its Certificate of Convenience and Necessity and for Dual Certification with Brookesmith Special Utility District in Brown County*

On March 11, 2022, the City of Bangs (Bangs) filed an application to amend its water Certificate of Convenience and Necessity (CCN) number 11093 and for dual certification with Brookesmith Special Utility District's (Brookesmith SUD) CCN number 10435 in Brown County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 of the application and recommend that the application be deemed administratively incomplete and that Bangs and Brookesmith SUD be required to provide the following information to cure the deficiencies:

1. A capital improvement plan, including a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area, keyed to a map showing where future facilities and connections will be located as well as existing facilities and connections are located within the requested area,
2. A description of the sources of funding for all facilities that will be constructed to serve the requested area, and
3. A copy of Bangs's and Brookesmith SUD's most recent year end audited financial statements and approved budgets respectively.

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: April 11, 2022

RE: Docket No. 53335 – *Application of the City of Bangs to Amend Its Certificate of Convenience and Necessity and For Dual Certification with Brookesmith Special Utility District in Brown County*

On March 11, 2022, the City of Bangs (Bangs) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11093 and for dual certification with Brookesmith Special Utility District (SUD) in Brown County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information filed by the Bangs, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

The following deficiencies must be remedied:

- Provide a signed agreement with Brookesmith SUD for the dual certification or the reasons why it is not practicable to get an agreement signed by Brookesmith SUD. If an agreement is submitted, it should indicate the total acreage agreed upon.
- Provide details regarding which entity will be providing service to customers in the requested area.
- For a CCN amendment application there must be a request for service or service must currently be provided to the area. Please provide additional details regarding the request(s) for service and service currently provided in the requested area.
- Complete the requested information in Question No. 20 of the application. Provide the public water system identification number for the water system that will provide service to the requested area.

- Provide a copy of the purchase water contract from BCWID. Also provide the full name of BCWID.

Mapping Content:

The maps submitted with Item 1 on March 9, 2022 are deficient. The maps and digital mapping data must identify the portion of dual certification the City is seeking with Brookesmith SUD (CCN No. 10435) and the portion to decertify from the City (CCN No. 11093).

Bangs 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 that Bangs obtain additional mapping guidance from the PUC's mapping staff,

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 Bangs and draft a recommendation.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).