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Received - 2022-04-11 10:44:17 AM

Control Number - 53336

ItemNumber - 4

DOCKET NO. 53336

**APPLICATION OF BIG EASY AGUA § PUBLIC UTILITY COMMISSION
LLC FOR A CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN § OF TEXAS
COLORADO COUNTY §**

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

On March 11, 2022, Big Easy Agua LLC (Big Easy) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Colorado County. The requested service area consists of 1,039 acres and 0 connections.

On March 14, 2022, the administrative law judge 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 and proposed notice and to propose a procedural schedule by April 11, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memoranda by Jolie Mathis of the Commission’s Infrastructure Division and by Kathryn Eiland and Fred Bednarski of the Commission’s Rate Regulatory Division, recommends that it be found administratively complete. This recommendation is not a comment on the merits of the application.

II. PROCEDURAL NOTICE

At this time, Staff recommends that Big Easy proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum by Ms. Mathis using the provided notice form. Along with each individual notice, Staff additionally recommends that Big Easy provide an accurate map delineating the requested service area. Staff further recommends that Big Easy publish notice of the application for two consecutive weeks in a newspaper of general circulation in Colorado County.

Once notice has been provided, Staff recommends that Big Easy file proof of notice as described in the attached memorandum by Ms. Mathis, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date the notice was provided, and a copy of the map provided with the notice. Big Easy should also provide a

completed publisher’s affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Big Easy use the attached notice and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff thus proposes, and Big Easy agrees to, the following procedural schedule:

Event	Date
Deadline for Big Easy to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation.	May 27, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	June 7, 2022
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Big Easy be directed to provide notice as described in Ms. Mathis’s attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 11, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Robert Dakota Parish
Managing Attorney

/s/ Ian Groetsch
Ian Groetsch
State Bar No. 24078599
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7465
(512) 936-7268 (facsimile)
Ian.Groetsch@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/Ian Groetsch
Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 11, 2022

RE: Docket No. 53336 – *Application of Big Easy Agua LLC for a Certificate of Convenience and Necessity in Colorado County*

On March 11, 2022, Big Easy Agua LLC (Big Easy) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) in Colorado County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

The requested area includes 0 customer connections and approximately 1,039 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,039 acres to Big Easy's New CCN Number.

The application indicates that the total acreage being requested is approximately 1,029 acres. Based on the mapping review by Dave Babicki, Infrastructure Division, it was determined the requested area is approximately 1,039 acres.

Based on the mapping review by Dave Babicki maps submitted with Item 1 on March 11, 2022 are sufficient. Based on my technical and managerial review of the information filed by Big Easy, I recommend that the application be deemed administratively complete. I further recommend that Big Easy be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - *Lower Colorado River Authority.*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Colorado County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Colorado County Underground Water Conservation District*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Big Easy must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter(s) for the water treatment plant, facilities, and distribution system that will provide water service for the requested area from TCEQ once they are received. Big Easy must file the approval letter prior to Staff making a final recommendation on the application.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Big Easy. Big Easy will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Kathryn Eiland, Financial Analyst
Fred Bednarski, Financial Analyst
Rate Regulation Division

DATE: April 11, 2022

RE: Docket No. 53336 – *Application of Big Easy Agua LLC for a Certificate of Convenience and Necessity in Colorado County*

On March 11, 2022, Big Easy Agua LLC filed an application to obtain a water certificate of convenience and necessity in Colorado County under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers provided to questions 28, 29, 30, and 31 of the application. We did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, we recommend that the Commission deem the application administratively complete from a financial perspective.

Notice for Publication

NOTICE OF APPLICATION OF BIG EASY AGUA LLC OBTAIN A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN
COLORADO COUNTY, TEXAS

Big Easy Agua LLC has filed an application with the Public Utility Commission of Texas to obtain a water certificate of convenience and necessity (CCN) for the provision of retail water utility service in Colorado County, Texas.

The requested area overlaps the district boundaries of Lower Colorado River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the Big Easy Agua LLC's request to provide retail water utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 6.5 mile(s) northwest of downtown Columbus, Texas, and is generally bounded on the north by approximately 1 mile south of Brunes Mill Road; on the east by Brunes Mill Road; on the south by approximately 3.25 north of Highway 71; and on the west by approximately 1 mile east of Brushy Road.

The requested area includes approximately 1,039 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,039 acres to Big Easy Agua LLC's New CCN Number.

A copy of the map showing the requested area is available at: 17230 Huffmeister Road, Suite A, Cypress, Texas 77429

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers, and Cities
NOTICE OF APPLICATION OF BIG EASY AGUA LLC OBTAIN A CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN
COLORADO COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Big Easy Agua LLC has filed an application with the Public Utility Commission of Texas to obtain a water certificate of convenience and necessity (CCN) for the provision of retail water utility service in Colorado County, Texas.

The requested area overlaps the district boundaries of Lower Colorado River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the Big Easy Agua LLC’s request to provide retail water utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 6.5 mile(s) northwest of downtown Columbus, Texas, and is generally bounded on the north by approximately 1 mile south of Brunes Mill Road; on the east by Brunes Mill Road; on the south by approximately 3.25 north of Highway 71; and on the west by approximately 1 mile east of Brushy Road.

The requested area includes approximately 1,039 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,039 acres to Big Easy Agua LLC’s New CCN Number.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person’s name, address, email address and fax number if applicable.

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PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 53336

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 53336

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20 ____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____