



## Filing Receipt

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**DOCKET NO. 53515**

<b>PETITION OF CIVITAS AT MAPLE VIEW DEVELOPMENT, LLC TO AMEND ORBIT SYSTEMS, INC.'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN BRAZORIA COUNTY BY EXPEDITED RELEASE</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION      OF TEXAS</b>
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**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE AND REQUEST TO RESTYLE THE DOCKET**

On April 21, 2022, Maple View Development, LLC (MPD) filed a petition for streamlined expedited release from Orbit Systems, Inc.'s (Orbit) water Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MPD asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Brazoria County, which is a qualifying county.

On April 25, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of May 20, 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 Jolie Mathis of the Infrastructure Division, recommends that the petition is administratively incomplete at this time. Staff further recommends that MPD be ordered to cure the deficiencies identified in Ms. Mathis's memorandum by June 20, 2022, and that Staff be given a deadline of July 20, 2022 to file a supplemental recommendation on the administrative completeness of the petition and notice. 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 MPD 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. REQUEST TO RESTYLE THE DOCKET

Staff has reviewed the petition and attached exhibits, including the deed attached as Exhibit C, and recommends that the docket be restyled to accurately reflect the name of the landowner and petitioner in this docket, by removing the leading words "Civitas at" from the name. Specifically, Staff respectfully requests that the docket be restyled as *Petition of Maple View Development LLC to Amend Orbit Systems, Inc.'s Certificate of Convenience and Necessity in Brazoria County by Expedited Release*. MPD filed a letter to the ALJ on May 19, 2022, to notify the ALJ of this issue as well. In addition, MPD also indicated an issue with the service address for Orbit. In response to that issue, Staff recommends that the correct mailing address for Orbit can be found in its most recent annual report filed in Docket No. 52954.<sup>1</sup> Specifically, the correct mailing address for Orbit is P.O. Box 956, Rosharon, TX, 77583. Otherwise, pursuant to the Water Utility Database and Orbit's most recently approved tariff,<sup>2</sup> the physical address for Orbit is 1302 Airline North, Rosharon, TX, 77583.

## IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition is administratively incomplete, that MPD be ordered to file supplemental information to cure the deficiencies in the petition by June 20, 2022, and that Staff be given a deadline of July 20, 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.

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<sup>1</sup> *Year-End 2021 Water and Sewer Utility Annual Reports in Accordance with 16 TAC § 24.129*, Docket No. 52954, Annual Report 2021 (Interchange Item No. 61) (May 17, 2022).

<sup>2</sup> *Application of Orbit Systems Inc. for A Class D Rate Adjustment*, Docket No. 52832, Notice of Approval (Dec. 22, 2021).

Dated: May 20, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 May 20, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Arnett Caviel, Attorneys  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** May 20, 2022

**RE:** Docket No. 53515 – *Petition of Civitas at Maple View Development, LLC to Amend Orbit Systems, Inc.'s Certificate of Convenience and Necessity in Brazoria County by Expedited Release*

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On April 21, 2022, Maple View Development, LLC (MPD) filed a petition for streamlined expedited release from Orbit Systems, Inc.'s (Orbit) water Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MPD asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Brazoria County, which is a qualifying county.

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

### **Petition Content:**

The affidavit included as Exhibit A to the petition indicates that MPD owns approximately 236.449 acres, while the deed included as Exhibit C indicates that MPD owns approximately 235.281 acres. MPD must submit a revised affidavit to accurately reflect MPD's ownership from the deed.

### **Mapping Content:**

Maps submitted with Item 1 on April 21, 2022 are deficient.

MPD 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 NAD83, Texas State Plane Coordinate System (US Feet).

Staff recommends that MPD obtain additional mapping guidance from the PUC's mapping staff, Tracy Montes by email at [tracy.montes@puc.texas.gov](mailto: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 MPD and to draft a recommendation.