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DOCKET NO. 53563

PETITION OF BENCHMARK	§	PUBLIC UTILITY COMMISSION
ACQUISITIONS, LLC TO AMEND	§	
MSEC ENTERPRISES INC.'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On May 4, 2022, Benchmark Acquisitions, LLC (Benchmark) filed a petition for streamlined expedited release from MSEC Enterprises Inc.'s water certificate of convenience and necessity (CCN) number 12887 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Benchmark asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

On June 3, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 10, 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 Jolie Mathis, Infrastructure Division, recommends that the petition is administratively incomplete. Staff recommends that Benchmark be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by July 11, 2022 and that Staff be given a deadline of August 10, 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 Benchmark 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 and that Benchmark be ordered to file supplemental information to cure the deficiencies in the petition by July 11, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 10, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ John Harrison
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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 June 10, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison
John Harrison

Public Utility Commission of Texas

Memorandum

TO: John Harrison, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: June 3, 2022

RE: Docket No. 53563 – *Petition of Benchmark Acquisitions, LLC to Amend MSEC Enterprises Inc.'s Certificate of Convenience and Necessity in Montgomery County by Streamlined Expedited Release*

On May 4, 2022, Benchmark Acquisitions, LLC (Benchmark) filed a petition for streamlined expedited release from MSEC Enterprises Inc.'s (MSEC) water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Benchmark asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

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

Mapping Content:

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps submitted with Item 1 on May 4, 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, Hank Journey by 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 Benchmark and draft a recommendation.