



Control Number: 53569



Item Number: 6

**DOCKET NO. 53569**

<b>PETITION OF BARKLEY MEADOWS, LLC TO AMEND GARFIELD WATER SUPPLY CORPORATION'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN TRAVIS COUNTY BY EXPEDITED RELEASE</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
---	--	--

2022 AUG -8 PM 2:53  
FILED FOR

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

On May 6, 2022, Barkley Meadows LLC (Barkley Meadows) filed a petition for streamlined expedited release from Garfield Water Supply Company's (Garfield WSC) water Certificate of Convenience and Necessity (CCN) No. 11244 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Barkley Meadows asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county. Barkley Meadows filed supplemental information on June 27, 2022.

On June 7, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of August 8, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental 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 complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Barkley Meadows stated that it mailed a copy of its petition to the CCN holder, Garfield WSC, by certified mail on

the day the petition was filed with the Commission. Barkley Meadows also included an affidavit attesting to this provision of notice to Garfield WSC. Accordingly, Staff recommends that the notice is sufficient.

### III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Garfield WSC and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to Garfield WSC's response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Garfield WSC can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Garfield WSC to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Garfield WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Garfield WSC	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Garfield WSC unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Garfield WSC to make a filing stating that they have been unable to select an	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	
Deadline for reports from petitioner's appraiser and Garfield WSC's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Garfield WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Garfield WSC	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

---

<sup>1</sup> TWC § 13 2541(i)

Dated: August 8, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Bradley Reynolds  
Bradley Reynolds  
State Bar No. 24125839  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7307  
(512) 936-7268 (Fax)  
Brad.Reynolds@puc.texas.gov

**DOCKET NO. 53569**

**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 August 8, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds  
Bradley Reynolds

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Bradley Reynolds, Attorney  
Legal Division

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

**DATE:** August 8, 2022

**RE:** Docket No. 53569 – *Petition of Barkley Meadows, LLC to Amend Garfield Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Expedited Release*

---

On May 6, 2022, Barkley Meadows, LLC (Barkley Meadows) filed a petition for streamlined expedited release from Garfield Water Supply Corporation's (Garfield WSC) water Certificate of Convenience and Necessity (CCN) No. 11244 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Barkley Meadows asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

Barkley Meadows submitted a sworn affidavit attesting that the tract of land was not receiving water service from Garfield WSC and a warranty deed confirming ownership of the landowner's total property. Barkley Meadows included a statement indicating a copy of the petition was sent via certified mail to Garfield WSC on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital mapping data submitted with Item 5 on June 27, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Garfield WSC's water CCN.

The landowner's total property is approximately 43.9 acres. The tract of land in the petition for streamlined expedited release is approximately 43.9 acres, of which approximately 37.8 acres overlap Garfield WSC (CCN No. 11244) and would be decertified from CCN No. 11244.

Based on my technical and managerial review and the mapping review by Tracy Montes of the additional information provided by Barkley Meadows on June 27, 2022, I recommend the petition be deemed administratively complete and accepted for filing.