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DOCKET NO. 53594

PETITION OF MONTGOMERY	§	PUBLIC UTILITY COMMISSION
COUNTY LAND INVESTMENTS, INC.	§	
TO AMEND T&W WATER SERVICE	§	OF TEXAS
COMPANY'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
MONTGOMERY COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

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

On May 11, 2022, Montgomery County Land Investments Inc. (MCLI) filed a petition for streamlined expedited release from T&W Water Service Company's (T&W) water Certificate of Convenience and Necessity (CCN) number 12892 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MCLI 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. On July 18, 2022, T&W Water Service Company filed a motion to intervene. On July 12, 2022, MCLI filed supplemental information.

On June 14, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of August 15, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and sufficiency of notice and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemented petition and as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition continues to be administratively incomplete. Staff further recommends that MCLI be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by September 15, 2022, and that Staff be given a deadline of October 14, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully notes that these deficiencies are related to mapping information and Staff's mapping experts may be required to assist MCLI regarding the

supplemental mapping information requested to cure the mapping deficiencies. Therefore, Staff will require at least thirty days to review any supplemental information provided by MCLI.

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 MCLI be ordered to file supplemental information to cure the deficiencies in the petition by September 15, 2022 and that Staff be given a deadline of October 14, 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.

Dated: August 15, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Kourtnee Jinks

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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 August 15, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks, Attorney
Legal Division

FROM: Patricia Garcia, Infrastructure Analysis Section Director
Infrastructure Division

DATE: August 15, 2022

RE: Docket No. 53594 – *Petition of Montgomery County Land Investments, Inc. to Amend T&W Water Service Company's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On May 11, 2022, Montgomery County Land Investments Inc. (MCLI) filed a petition for streamlined expedited release from T&W Water Service Company's (T&W) water Certificate of Convenience and Necessity (CCN) No. 12892 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MCLI 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 and my technical and managerial review of the information provided by MCLI, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps and the digital mapping data submitted with Item 5 on July 12, 2022 are deficient. Mr. Babicki determined an acreage difference of approximately 2.8 acres between the acreage conveyed in the deed and the acreage calculated in the digital mapping data. Staff confirmed that the acreage difference calculated by the petitioner is the result of their use of parcel data from Montgomery County Appraisal District to generate the shapefile. To accurately reflect the acreage conveyed in the deed and properly release a tract of land, the digital mapping data requested below must be generated from a metes and bounds survey certified by a licensed state land surveyor or registered professional land surveyor.

MCLI 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 MCLI obtain additional mapping guidance from the PUC's mapping staff, Dave Babicki by email at dave.babicki@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 MCLI and draft a recommendation.