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DOCKET NO. 53709

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY,	§	
LLC AND GEORGE FULLER,	§	OF TEXAS
EXECUTOR OF THE ESTATE OF	§	
VIRGINIA FULLER, FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES IN TARRANT COUNTY	§	

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

On June 13, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Cooke County. CSWR-Texas filed supplemental information on June 14, 2022, June 20, 2022 and June 27, 2022.

On July 27, 2022, the administrative law judge filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the administrative completeness of the application, proposed notice and propose a procedural schedule by August 1, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memoranda from James Harville, of the Infrastructure Division, and from Ethan Blanchard and Kathryn Eiland, of the Rate Regulation Division, recommends that the application is administratively incomplete from a managerial, technical and financial perspective. Staff further recommends that CSWR-Texas be ordered to cure the deficiencies identified in the attached memoranda by September 1, 2022 and that Staff be given a deadline of October 3, 2022 to file a supplemental recommendation on the administrative completeness of the application.

Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist CSWR-Texas 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 application be found administratively complete. Staff notes that CSWR-Texas should not issue notice until the application is deemed sufficient.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that CSWR-Texas be ordered to file supplemental information to cure the deficiencies in the application by September 1, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: August 1, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

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/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 1, 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: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: July 27, 2022

RE: Docket No. 53709 – *Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

CSWR-Texas Utility Operating Company, LLC (CSWR) and the George Fuller, Executor of the Estate of Virginia Fuller (George Fuller) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Tarrant County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR, Certificate of Convenience and Necessity (CCN) No. 21120, seeks approval to acquire facilities and to transfer all of the sewer service area from George Fuller under sewer CCN No. 20743.

Based on the mapping review by Hank Journeay, Infrastructure Division, and my technical and managerial review of the information filed by the Applicants, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

The following deficiencies must be remedied:

1. Transferor System

The applicant refers to the sewer system as Virginia Fuller dba Franklin Water System 1 & 3 (“Franklin Sewer”) in the application, whereas CCN No. 20743 is registered in name as J E Franklin Trust. Please clarify the discrepancy in the legal utility name listed.

2. Location of Utility

The application indicates the requested area is in Tarrant County however Mr. Journey's review indicates the requested area is in Lubbock County. Please verify the county where the requested area is located.

Mapping Content:

Based on the mapping review by Hank Journey, Infrastructure Division, the maps submitted with Item 1 on June 13, 2022 are deficient.

Applicant must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

Staff recommends the Applicant 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 the Applicants and draft a recommendation.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks
Legal Division

FROM: Ethan Blanchard
Kathryn Eiland
Rate Regulation Division

DATE: August 1, 2022

RE: Docket No. 53709 – *Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities and Certificate Rights in Tarrant County*

On June 13, 2022, CSWR-Texas Utility Operating Company (CSWR-TUOC), CCN No. 21120, and George Fuller filed an application for the sale and transfer of facilities and certificate rights in Tarrant County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

We reviewed the answers provided to questions 4, 10, 11, 12, and 14 of the application. We recommend the application be deemed administratively incomplete, and that CSWR-TUOC be required to provide the following information to cure the deficiency:

1. The rates provided in the affidavit differ from the rates approved in the tariff by the Texas Water Commission (TWC) on March 12, 1991. Please provide a copy of the approval letter or tariff for the rates in the affidavit from TWC or their successor agency.