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DOCKET NO. 53932

PETITION OF KL LHB DSD AIV, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO.	§	OF TEXAS
12'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
KAUFMAN COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

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

On August 4, 2022, KL LHB DSD AIV, LLC (KL LHB) filed a petition for streamlined expedited release from Kaufman County Municipal Utility District No. 12's (Kaufman MUD) water Certificate of Convenience and Necessity (CCN) number 13087 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KL LHB asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

On August 5, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of September 6, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a 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 petition and as detailed in the attached memorandum from Chase Lipscomb, Infrastructure Division, recommends that the petition be deemed to be administratively incomplete. Staff further recommends that KL LHB be ordered to cure the deficiencies identified in Mr. Lipscomb memorandum by October 6, 2022, and that Staff be given a deadline of November 7, 2022, to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully notes that these deficiencies are related to petition content and mapping information and Staff's mapping experts may be required to assist KL LHB 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 KL LHB.

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 KL LHB be ordered to file supplemental information to cure the deficiencies in the petition by October 6, 2022, and that Staff be given a deadline of November 7, 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: September 6, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Andy Aus

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DOCKET NO. 53932

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 September 6, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: September 6, 2022

RE: Docket No. 53932 – *Petition of KL LHB DSD AIV, LLC to Amend Kaufman County Municipal Utility District No. 12's Certificate of Convenience and Necessity in Kaufman County by Streamlined Expedited Release*

On August 4, 2022, KL LHB DSD AIV LLC (KL LHB) filed a petition for streamlined expedited release from Kaufman County Municipal Utility District No. 12's (Kaufman MUD) water Certificate of Convenience and Necessity (CCN) No. 13087 in Kaufman County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KL LHB asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

Based on the mapping review and my technical and managerial review of the information provided by KL LHB, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

The following deficiencies must be remedied:

- 1) Provide proof that a copy of the petition was sent via certified mail to CCN holder under 16 TAC § 24.245 (h)(3)(F).

Mapping Content:

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, Tracy Montes by email at 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 KL LHB and draft a recommendation.