



Filing Receipt

Received - 2022-11-28 12:55:38 PM

Control Number - 54271

ItemNumber - 5

DOCKET NO. 54271

**APPLICATION OF KICKAPOO UTILITY § PUBLIC UTILITY COMMISSION
LLC FOR A CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN § OF TEXAS
WALLER COUNTY §**

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

On October 27, 2022, Kickapoo Utility LLC (Kickapoo) filed an application to obtain a sewer certificate of convenience and necessity (CCN) in Waller County, Texas under Texas Water Code (TWC) §§ 13.241 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

On October 28, 2022, the administrative law judge (ALJ) filed Order No. 1, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application, proposed notice, and propose a procedural schedule, if appropriate by November 28, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from David Lopez, of the Rate Regulation Division, recommends that the application is incomplete from a financial perspective. Staff further recommends that Kickapoo be ordered to cure the deficiencies identified in Mr. Lopez’s memorandum by January 6, 2023 and that Staff be given a deadline of February 6, 2023 to file a supplemental recommendation on the administrative completeness of the application.

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 Kickapoo 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 Kickapoo be ordered to file supplemental information to cure the deficiencies in the application by January 6, 2023 and that Staff be given a deadline of February 6, 2023 to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: November 28, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

John Harrison
Managing Attorney

/s/ Arnett D. Caviel

Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 54271

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 November 28, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel
Legal Division

FROM: David Lopez
Fred Bednarski III
Rate Regulation Division

DATE: November 28, 2022

RE: Docket No. 54271 – *Application of Kickapoo Utility LLC for a Certificate of Convenience and Necessity in Waller County*

On October 27, 2022, Kickapoo Utility LLC (Kickapoo) filed an application to obtain a sewer Certificate of Convenience and Necessity in Waller County under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers provided to questions 28, 29, 30, and 31 of the application. We recommend the application be deemed administratively incomplete, and that Kickapoo be required to provide the following information to cure the deficiencies:

1. A rate study that provides all calculations and assumptions made in developing the proposed rates,
2. An original copy of the Kickapoos articles of incorporation,
3. An explanation of the funding sources and entities that will pay for the collections lines and wastewater plant and supporting flow chart indicating the affiliated relationships between each of the entities for this docket and Docket No. 53149, and
4. Funding documentation as applicable.