



## **Filing Receipt**

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**DOCKET NO. 54322**

<b>PETITION OF CARMA EASTON LLC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND CREEDMOOR-MAHA</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN TRAVIS COUNTY</b>	<b>§</b>	
<b>BY STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS, SUFFICIENCY OF NOTICE, AND  
PROPOSED PROCEDURAL SCHEUDLE**

On November 7, 2022, Carma Easton LLC (Carma) filed a petition for streamlined expedited release from Creedmoor-Maha Water Supply Corporation's water Certificate of Convenience and Necessity (CCN) No. 11029 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Carma 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. Carma filed supplemental information on January 9, 2023, March 31, 2023, April 10, 2023, June 2, 2023, June 6, 2023 and June 16, 2023.

On May 23, 2023, the administrative law judge (ALJ) filed Order No. 7, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments on the administrative completeness of the petition and notice by June 30, 2023.

**I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Jaspinder Singh, 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. RECOMMENDATION ON 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. Carma stated that it mailed a copy of its petition to the CCN holder, Creedmoor-Maha Water Supply Corporation, by

certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

### III. PROPOSED 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 the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	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 CCN holder can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and the CCN holder 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 CCN holder	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and CCN holder unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release

Deadline for reports from petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission 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 the CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to the CCN holder	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.

Dated: July 11, 2023

Respectfully submitted,

#### PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley  
Division Director

/s/ Sneha Patel  
Sneha Patel  
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**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on July 11, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Sneha Patel  
Sneha Patel

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Sneha Patel, Attorney  
Legal Division

**FROM:** Jaspinder Singh, Engineering Specialist  
Infrastructure Division

**DATE:** June 30, 2023

**RE:** Docket No. 54322 – *Petition of Carma Easton LLC to Amend Creedmoor-Maha Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Streamlined Expedited Release*

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On November 7, 2022, Carma Easton LLC (Carma) filed a petition for streamlined expedited release from Creedmoor-Maha Water Supply Corporation's (Creedmoor) water Certificate of Convenience and Necessity (CCN) No. 11029 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Carma 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.

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

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised general location map and detailed map submitted with Item 20 on June 6, 2023, and digital mapping data submitted with Item 21 on June 16, 2023 are sufficient for determining the location of the tracts of land considered for streamlined expedited release is/are located within Creedmoor's water CCN.

The landowner's total property is approximately 112.9 acres and includes three tracts of land including the Alexander Tract (29.378 acres), Dittmar Tract (2.755 acres), and Ehrlich Tract (80.8 acres). The Alexander tract meets the 25-acre requirement. Since the Dittmar tract is adjacent and contiguous to the Ehrlich tract, the Dittmar tract meets the 25-acre requirement. The tract of land in the petition for streamlined expedited release includes the Alexander Tract (29.378 acres) and Dittmar Tract (2.755 acres) and is approximately 32.1 total acres, of which approximately 32.1 acres overlap Creedmoor-Maha WSC (CCN No. 11029) and would be decertified from CCN No. 11029.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by Carma on April 10, 2023, that included a revised petition and affidavit stating the correct average (32.134 acres) and information submitted on June 16, 2023, I recommend the petition be deemed administratively complete and accepted for filing.