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DOCKET NO. 54377

PETITION OF MILLIGAN WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF PRINCETON FOR	§	OF TEXAS
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN COLLIN	§	
COUNTY		

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

I. INTRODUCTION

On November 28, 2022, the City of Princeton (Princeton) and Milligan Water Supply Corporation (Milligan) (collectively, the Petitioners) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Collin County.

On November 30, 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, notice, and propose a procedural schedule by January 3, 2023. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the Petitioners’ application and, as detailed in the attached memorandum of Jaspinder Singh, Infrastructure Division, recommends that the application be deemed administratively incomplete. Staff further recommends that the Petitioners be ordered to cure the deficiencies identified in Mr. Singh’s memorandum by February 3, 2023 and that Staff be given a deadline of March 7, 2023 to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist the Applicants regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review.

III. PROPOSED 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.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete, that the Applicants be ordered to file supplemental information to cure the deficiencies in the application by February 3, 2022, and that Staff be given a deadline of March 7, 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: January 3, 2023

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

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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 January 3, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel

Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Jaspinder Singh, Engineering Specialist
Infrastructure Division

DATE: January 3, 2023

RE: Docket No. 54377 – *Petition of Milligan Water Supply Corporation and the City of Princeton for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Collin County*

On November 28, 2022, Milligan Water Supply Corporation (Milligan WSC) and the City of Princeton (City) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Milligan WSC's water Certificate of Convenience and Necessity (CCN) No. 10188 and City's water CCN No. 13195 in Collin County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Milligan WSC and the City entered into a contractual agreement and seeking to decertify and transfer portions of Milligan WSC and the City CCN's to each other and provide water services within the agreed upon transferred water certificated service area respectively. The Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review and my technical review of the information filed by the Petitioners, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Petition Content:

The following deficiency must be remedied:

- Under 16 TAC § 24.253(c)(3), the Petitioners must submit an affidavit attesting to the truth and validity of the meeting agenda and minutes. The Petitioners must each submit an affidavit attesting to the truth and validity of the meeting agenda and minutes as required.

Mapping Content:

Based on the mapping review by Hank Journey, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on November 28, 2022 are deficient. The maps and digital mapping data do not accurately identify the requested areas to be transferred to the City (CCN No. 13195) and to Milligan WSC (CCN No. 10188).

Petitioners 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.
- Include the agreement maps, referenced in the signed agreement named, Exhibit “A”, Exhibit “B”, and Exhibit “C.” Each map must be provided in color, the original scale and format.
- Digital mapping data for the requested area as described below, each provided as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
 - Requested Area to be Transferred to the City (CCN No. 13195)
 - Requested Area to be Transferred to Milligan WSC (CCN No. 10188)

Staff recommends the Petitioners 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 Petitioners and draft a recommendation.