



## **Filing Receipt**

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**Item Number - 12**

**DOCKET NO. 54464**

<b>APPLICATION OF ORANGE COUNTY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER CONTROL &amp;</b>	<b>§</b>	
<b>IMPROVEMENT DISTRICT NO. 1</b>	<b>§</b>	<b>OF TEXAS</b>
<b>(LEXINGTON) TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ORANGE</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

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

On December 12, 2022, Orange County Water Control & Improvement District No. 1 (Lexington) filed an application to amend Certificate of Convenience and Necessity (CCN) number 10115 in Orange County to reflect the acquisition of facilities and certificated service area from Lexington Water System, Inc.'s CCN number 11560 in 1995. On February 28, 2023, Lexington filed supplemental information.

On March 22, 2022, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule by April 28, 2023. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the supplemental application and as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the application is incomplete from a managerial and technical perspective. Staff further recommends that Orange County WCID No. 1 be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by May 30, 2023 and that Staff be given a deadline of June 30, 2023 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 Orange County WCID No. 1 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 Orange County WCID No. 1 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 Orange County WCID No. 1 be ordered to file supplemental information to cure the deficiencies in the application by May 30, 2023. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 28, 2023

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Marisa Lopez Wagley  
Interim Division Director

John Harrison  
Managing Attorney

/s/ Kevin Pierce  
Kevin Pierce  
State Bar No. 24093879  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3480  
(512) 936-7265  
(512) 936-7268 (facsimile)  
Kevin.Pierce@puc.texas.gov

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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 April 28, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce  
Kevin Pierce

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kevin Pierce, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** April 28, 2023

**RE:** Docket No. 54464 – *Application of Orange County Water Control & Improvement District No. 1 (Lexington) to Amend Its Certificate of Convenience and Necessity in Orange County*

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On December 12, 2022, Orange County Water Control & Improvement District No. 1 (Orange County WCID No. 1) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10115 in Orange County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

On February 28, 2023, Orange County WCID No. 1 and Lexington Water System, Inc. (Lexington Water) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Orange County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Orange County WCID No. 1, CCN No. 10115, seeks approval to acquire facilities and to transfer all of the water service area from Lexington Water under water CCN No. 11560.

Based on the mapping review and my technical and managerial review of the additional information filed by Orange County WCID No. 1 on February 28, 2023 and April 20, 2023, I recommend that the application be deemed administratively incomplete and not accepted for filing.

### **Application Content:**

Please provide the following:

1. Responses to questions 5, 12, 15, and 23.
2. The Emergency Preparedness Plan (EPP) status with the Texas Commission on Environmental Quality for both Orange County WCID No. 1 and Lexington Water.
3. The application indicates Orange County WCID No. 1 has had enforcement action by a regulatory agency in the past, provide documentation showing how this

enforcement action was resolved.

4. Confirm or deny that the rates charged to the customers in the requested area are rates approved by the board of Orange County WCID No. 1.
5. Signed oaths from both Lexington Water and Orange County WCID No. 1.

**Mapping Content:**

Based on the mapping review by Tracy Montes, Infrastructure Division, revised maps requested on January 12, 2023, have not been submitted with Item 7 on February 28, 2023, therefore, maps remain deficient.

Orange County WCID No. 1 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 Orange County WCID No. 1 obtain additional mapping guidance from the PUC's mapping staff, Tracy Montes by email at [dave.babicki@puc.texas.gov](mailto:dave.babicki@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 Orange County WCID No. 1 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>).