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DOCKET NO. 54464

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

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND REQUEST TO RESTYLE DOCKET**

On December 12, 2022, Orange County Water Control & Improvement District No. 1 (Orange County WCID No. 1) filed an application to amend Certificate of Convenience and Necessity (CCN) number 11560 in Orange County. On February 28, 2023, Orange County WCID No. 1 filed a supplemental brief to amend the application for a sale, merger, or transfer of facilities. On May 17, 2023, Commission Staff filed on behalf of itself and Orange County WCID No. 1, a recommendation for processing this docket as the sale, transfer, or merger of facilities and certificate rights and requested the application be restyled accordingly.

On May 1, 2023, the administrative law judge (ALJ) filed Order No. 5, ordering Orange County WCID No. 1 to supplement their application and ordering Staff to file a supplemental recommendation regarding administrative completeness of the application and the sufficiency of notice, along with a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

As of this date, Orange County WCID No. 1 has not filed supplemental materials to address Order No. 5. Staff has been in communication with Orange County WCID No. 1 and continues to work with the applicant to ensure that the forthcoming supplemental materials are accurate, complete, and sufficient for the processing of this unique situation. Regardless, Staff still recommends that, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, the application be found incomplete from a managerial and technical perspective. Staff further recommends that the ALJ set a deadline of July 30, 2023, for Orange County WCID No. 1 to cure the deficiencies identified in Ms. Garcia's memorandum, and that Staff be given a deadline of August 30, 2023 to file a supplemental recommendation on the administrative completeness of

the application. Staff respectfully requests the adoption of these proposed deadlines both due to the novelty of Orange County WCID's situation and 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. REQUEST TO RESTYLE DOCKET

Staff recommends that the docket be restyled to "Application of Orange County Water Control and Improvement District No. 1 (Lexington) and Lexington Water Systems for a Sale, Transfer, or Merge of Facilities and Certificate Rights in Orange County."

III. 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.

IV. 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 July 30, 2023 and for Staff to be given a deadline of August 30, 2023 to file a supplemental recommendation. Staff further requests the restyling of this docket as described above. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 30, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 June 30, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce
Kevin Pierce