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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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE, OBJECTION TO CONSOLIDATION, AND
PROPOSED PROCEDURAL SCHEDULE**

I. INTRODUCTION

On December 12, 2022, Orange County Water Control & Improvement District No. 1 (Gibson) filed an application to amend Certificate of Convenience and Necessity (CCN) number 10115 in Orange County.

On December 13, 2022, the administrative law judge (ALJ) filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding how to proceed with the application and propose a procedural schedule by January 12, 2023. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information 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 Gibson be ordered to cure the deficiencies identified in Ms. Garcia’s memorandum by February 13, 2023 and that Staff be given a deadline of March 15, 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 Gibson regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

III. OBJECTION TO CONSOLIDATION

Staff has reviewed docket #54462 and docket #54463 in relation to this docket, and because there are differences in questions of fact, Staff does not recommend consolidation of this docket with docket #54462 and/or docket #54463 and objects to such consolidation.

IV. 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 Gibson should not issue notice until the application is deemed sufficient.

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that Gibson be ordered to file supplemental information to cure the deficiencies in the application by February 13, 2023. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 12, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
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 January 12, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce

Kevin Pierce

Public Utility Commission of Texas

Memorandum

TO: Kevin Pierce, Attorney
Legal Division

FROM: Patricia Garcia, Infrastructure Analysis Section Director
Infrastructure Division

DATE: January 12, 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*

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.

Based on the mapping review and my technical and managerial review of the information filed by Orange County WCID No. 1, I recommend that the application be deemed administratively incomplete and not accepted for filing. Additionally, I recommend this docket not be consolidated with Docket Nos. 54462 and 54463.

Application Content:

Orange County WCID No. 1 states that it has been operating the Lexington Water Systems CCN No. 11560 since it was purchased in 1995. The application does not clearly state what, if anything, should be done with Lexington Water Systems' CCN number and service area. Under 16 TAC § 24.239(o) "A sale, transfer, merger, consolidation, acquisition, lease, or rental of any water or sewer system or retail public utility required by law to possess a CCN, or transfer of customers or service area, owned by an entity required by law to possess a CCN that is not completed in accordance with the provisions of TWC §13.301 is void." Therefore, I recommend Orange County WCID No. 1 submit an "Application for Sale, Transfer, or Merger of a Retail Public Utility" the application can be found at: https://www.puc.texas.gov/industry/water/forms/stm_form.pdf.

Mapping Content:

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted with Item 1 on December 12, 2022 are 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 tracy.montes@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>).