



Filing Receipt

Received - 2023-01-17 09:53:24 AM
Control Number - 54488
ItemNumber - 4

DOCKET NO. 54488

APPLICATION OF FOREST GLEN	§	PUBLIC UTILITY COMMISSION
UTILITY COMPANY TO AMEND ITS	§	
CERTIFICATE OF COVENIENCE AND	§	OF TEXAS
NECESSITY IN MEDINA COUNTY	§	

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

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer certificate of convenience and necessity (CCN) number 21070 in Medina County.

On December 19, 2022, the administrative law judge (ALJ) filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice propose a procedural schedule. by January 17, 2023. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and as detailed in the attached memorandum from David Lopez and Fred Bednarski, Rate Regulation Division, and Jaspinder Singh, Infrastructure Division, recommends that the application is administratively incomplete from a managerial and technical perspective. As detailed in the attached memorandum from Fred Bednarski, Rate Regulation Division, Staff recommends that the application is administratively incomplete from a financial perspective. Staff further recommends that the Applicants be ordered to cure the deficiencies identified in Mr. Bednarski’s and Mr. Singh’s memorandum by February 17, 2023 and that Staff be given a deadline of March 17, 2023 to file a supplemental recommendation on the administrative completeness of the application regarding the deficiencies identified in the attached memornadums.

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 the Applicants 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 the Applicants be ordered to file supplemental information to cure the deficiencies in the application by February 17, 2023. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 17, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Kevin Bartz
Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7219 (facsimile)
Kevin.Bartz@puc.texas.gov

DOCKET NO. 54488

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 17, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Bartz
Kevin R. Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz
Legal Division

FROM: David Lopez
Fred Bednarski
Rate Regulation Division

DATE: January 17, 2023

RE: Docket No. 54488 – *Application of Forest Glen Utility Company to Amend its Certificate of Convenience and Necessity in Medina County*

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 in Medina County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 of the application. I recommend the application be deemed administratively incomplete, and that Forest Glen be required to provide the following information to cure the deficiencies:

1. Applicant has failed to provide a rate study to support the rates in its proposed tariff. We recommend that the applicant be required to supplement its application with a rate study that provides all calculations and assumptions made in developing the proposed rates,
2. A budget for each of the required capital improvements and a corresponding estimated timeline of construction for each facility improvement necessary to provide full service to the requested areas,
3. A description of the funding sources for each of the improvements and the amount of funding,
4. An original copy executed developer agreements,
5. An original copy of the most recent year-end audited financial statements or compilation of year-end financial statements for the most recent fiscal year as

prepared by a certified public accountant of BVRT Utility Holding Company, LLC or any other affiliate providing funding (statements must passes the leverage and operations tests), and

6. Loan approval documents or secure firm capital commitments affirming funds are available to install the capital improvements required to serve the requested area.

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Jaspinder Singh, Engineering Specialist
Infrastructure Division

DATE: January 17, 2023

RE: Docket No. 54488 – *Application of Forest Glen Utility Company to Amend Its Certificate of Convenience and Necessity in Medina County*

On December 16, 2022, Forest Glen Utility Company filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21070 in Medina 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 Forest Glen Utility Company, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

The following deficiencies must be remedied:

- Please provide a Texas Commission on Environmental Quality (TCEQ) approved Emergency Preparedness Plan (EPP) or waiver,
- Provide a copy of the last Comprehensive Compliance Investigation (CCI) report from TCEQ, and
- Complete the requested information in Question No. 33 of the application to its entirety.

Mapping Content:

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on December 16, 2022 are deficient.

Forest Glen Utility Company 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.
- Digital mapping data for the requested area, 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).

Staff recommends the Forest Glen Utility Company obtain additional mapping guidance from the PUC's mapping staff, Dave Babicki by email at 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 Forest Glen Utility Company 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>).