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DOCKET NO. 54718

APPLICATION OF STAFF WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND CITY	§	
OF CARBON FOR SALE, TRANSFER,	§	OF TEXAS
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN EASTLAND	§	
COUNTY	§	

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

On March 7, 2023, Staff Water Supply Corporation (Staff WSC) and City of Carbon (City) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Eastland County.

On March 9, 2023, 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 and file a recommendation regarding how to proceed with the application and propose a procedural schedule by April 7, 2023. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division, and from Fred Bednarski III, Rate Regulation Division, recommends that the application is administratively incomplete from a managerial, technical, and financial perspective. Staff further recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Mathis’ and Mr. Bednarski’s memoranda by May 5, 2023, and that Staff be given a deadline of June 5, 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 the Applicants 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 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 May 5, 2023, and that Staff be given a deadline of June 5, 2023, to file its supplemental recommendation. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 6, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Interim Division Director

/s/ David Berlin
David Berlin
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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 6, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Berlin

David Berlin

Public Utility Commission of Texas

Memorandum

TO: David Berlin, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 6, 2023

RE: Docket No. 54718 – *Application of Staff Water Supply Corporation and City of Carbon for Sale, Transfer, or Merger of Facilities and Certificate Rights in Eastland County*

City of Carbon (Carbon) and the Staff Water Supply Corporation (Staff WSC) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Eastland County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Carbon seeks approval to acquire facilities and to transfer a portion of the water service area from Staff WSC under water CCN No. 11155 and obtain a new CCN number.

Based on the mapping review and my technical and managerial review of the information filed by the Applicants. I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content:

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps submitted with Item 1 on March 7, 2023 are deficient.

Applicants 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 Applicants 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 the Applicants 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>).

Public Utility Commission of Texas

Memorandum

TO: David Berlin
Legal Division

FROM: Fred Bednarski III
Rate Regulation Division

DATE: April 6, 2023

RE: Docket No. 54718 – *Application of Staff Water Supply Corporation and City of Carbon for Sale, Transfer, or Merger of Facilities and Certificate Rights in Eastland County*

On March 7, 2023, Staff Water Supply Corporation (Staff WSC) and City of Carbon (Carbon) filed an application for the sale and transfer of facilities and certificate rights in Eastland County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

We reviewed the answers provided to questions 4, 10, 11, 12, and 14 of the application. We recommend the application be deemed administratively incomplete, and that Staff WSC and Carbon be required to provide the following information to cure the deficiencies:

1. An answer to application question 11.A,
2. A firm capital commitment that funding is approved and available for the \$500,000 required capital improvements to meet TCEQ standards, and
3. A facilities map that shows Carbon's facility lines that are currently connected to Staff WSC's the facilities and connections to be transferred as well as were the facilities and connections are located in the area to be transferred.