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DOCKET NO. 54861

PETITION OF GREGG LANE DEV LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND AQUA WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
TRAVIS COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On April 17, 2023, Gregg Lane Dev LLC (Gregg Lane) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water certificate of convenience and necessity (CCN) number 10294 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Gregg Lane asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

On April 18, 2023, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of May 17, 2023 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a comments on administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and as detailed in the attached memorandum from Chase Lipscomb, Infrastructure Division, recommends that the petition be deemed to be administratively incomplete. Staff further recommends that Gregg Lane be ordered to cure the deficiencies identified in Mr. Lipscomb's memorandum by June 19, 2023, and that Staff be given a deadline of July 17, 2023 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully notes that these deficiencies are related to petition content and mapping information and Staff's mapping experts may be required to assist Gregg Lane regarding the supplemental mapping information requested to cure the mapping deficiencies. Therefore, Staff will require at least thirty days to review any supplemental information provided by Gregg Lane.

II. RECOMMENDATION ON NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Gregg Lane attached proof to its petition that it mailed a copy of its petition to the CCN holder, Aqua WSC by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

III. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation as to the administrative completeness of the petition, 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 petition be found administratively complete.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, and that Gregg Lane be ordered to file supplemental information to cure the deficiencies in the petition by June 19, 2023, and that Staff be given a deadline of July 17, 2023, to file a supplemental recommendation on the administrative completeness of the petition. Staff further recommends that the notice be found sufficient. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: May 17, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Interim Division Director

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/s/ Kevin Pierce
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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 May 17, 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: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: May 22, 2023

RE: Docket No. 54861 – *Petition of Gregg Lane Dev LLC to Amend Aqua Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Streamlined Expedited Release*

On March 20, 2023, Gregg Lane Dev LLC (Gregg Lane) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Gregg Lane asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

Based on the mapping review and my technical and managerial review of the information provided by Gregg Lane, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

The following deficiencies must be remedied:

1. Please provide a signed affidavit attesting to the documents provided in the petition.
See docket 53253 item 1 pages 7 and 8 for reference.

Mapping Content:

Gregg Lane must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the tract of land, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the tract of land, 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 Gregg Lane obtain additional mapping guidance from the PUC's mapping staff, Hank Journey by email at hank.journey@puc.texas.gov to resolve the mapping deficiencies.