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DOCKET NO. 55200

PETITION OF D.R. HORTON - TEXAS,	§	PUBLIC UTILITY COMMISSION
LTD. TO AMEND CADDO BASIN	§	
SPECIAL UTILITY DISTRICT'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN HUNT COUNTY	§	
BY STREAMLINED EXPEDITED	§	
RELEASE	§	

COMMISSION STAFF'S CLARIFICATION OF THE MAPPING REVIEW PROCESS

I. INTRODUCTION

On July 5, 2023, D.R. Horton - Texas, Ltd. (D.R. Horton) filed a petition to amend Caddo Basin Special Utility District's certificate of convenience and necessity (CCN) number 10165 in Hunt County by streamlined expedited release.

On October 13, 2023, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of November 13, 2023, for D.R. Horton to cure the deficiencies identified in the October 11, 2023 memorandum filed by the Staff (Staff) of the Public Utility Commission of Texas (Commission). Order No. 4 also established a deadline of December 13, 2023 for Staff to file a supplemental recommendation on administrative completeness of the petition and propose a procedural schedule.

II. STAFF HAS NOT PREAPPROVED MAPPING INFORMATION

On October 16, 2023, D.R. Horton filed revised mapping and digital shape file information to cure mapping deficiencies. The letter states "[t]hese revised maps and shape files have been approved by Hank Journey." Staff notes that similar letters have been filed in a number of dockets within recent weeks.¹ This pleading is filed to correct this erroneous assertion.

As a matter of policy, the Commission's Infrastructure Division does not provide and has never provided pre-approval of mapping information before a petitioner formally files it in the docket. The Commission's Infrastructure Division occasionally conducts advanced reviews on an

¹ See Petition of TCCI Ponder Farms 2021 LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release, Docket No. 55446, Letter filing revised maps and shapefiles (Nov. 7, 2023); See also Petition of TCCI Range-Mead 2021 LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release, Docket No. 55447, Letter filing revised maps and shapefiles (Nov. 13, 2023).

informal basis. These reviews do not take the place of formal reviews and categorically do not constitute pre-approval. Optional informal reviews are intended to help identify and address issues prior to a petitioner formally filing the mapping content. Staff offers the informal review process at its own discretion, and it is intended to help applicants with deficient mapping information attempt to cure deficiencies. A formal review by various subject matter experts and management is required to ensure the submitted mapping information and petition content complies with all governing rules and statutes. The informal and formal reviews are fundamentally different in nature. An informal review may only focus on a smaller subset of rules and statutes in order to determine if identified non-compliance in those areas has been remedied. An informal review does not preclude Staff from filing a subsequent deficiency recommendation. A formal review focuses on all governing authorities and will involve the review of comprehensive areas that are not covered in an informal review.

Staff respectfully wishes to inform the ALJ that while Mr. Journeay has conducted an informal review of the mapping information submitted by D.R. Horton by email correspondence, he has not yet conducted a formal review of the revised mapping information formally filed in the docket. Mr. Journeay has not yet determined the sufficiency of the information, nor has he “approved” the information.² Furthermore, a formal review includes the review of content in addition to mapping content by other subject matter experts and management. Staff intends to respond with a supplemental recommendation on administrative completeness of the petition and propose a procedural schedule by December 13, 2023 as contemplated by Order No. 3.

III. CONCLUSION

Staff respectfully requests that the foregoing information be taken into consideration. Staff intends to respond with a supplemental recommendation on administrative completeness of the petition and propose a procedural schedule by December 13, 2023 as contemplated by Order No. 3.

² Staff notes that Staff’s experts do not approve filings. Staff includes this language to refute the approval language contained in the applicant’s recent filing. Approval is determined by the Commission or the ALJs to whom authority has been delegated.

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 was provided to all parties of record via electronic mail on November 15, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Cheri Hasz
Cheri Hasz