



Filing Receipt

Filing Date - 2023-12-07 10:31:30 AM

Control Number - 55810

Item Number - 5

DOCKET NO. 55810

APPLICATION OF MCC UTILITIES,	§	PUBLIC UTILITY COMMISSION
LLC FOR CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
HARRIS COUNTY	§	

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

On November 7, 2023, MCC Utilities, LLC (MCC Utilities) filed an application to obtain a water certificate of convenience and necessity (CCN) and sewer CCN in Harris County, Texas under Texas Water Code §§ 13.242 through 13.250 and 16 Texas Administrative Code §§ 24.225 through 24.237. MCC Utilities filed supplemental information on November 8, 2023.

On November 8, 2023, the administrative law judge 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, a recommendation regarding how to proceed with the application, and to propose a procedural schedule by December 7, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Tsungirirai Gatora of the Infrastructure Division and Fred Bednarski III of the Rate Regulation Division, recommends that the application is incomplete from a managerial, technical, and financial perspective. Staff further recommends that MCC Utilities be ordered to cure the deficiencies identified in Ms. Gatora’s and Mr. Bednarski’s memoranda by January 8, 2024, and that Staff be given a deadline of February 8, 2024 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 MCC Utilities regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review.

II. PROPOSED 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 MCC Utilities 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, that MCC Utilities be ordered to file supplemental information to cure the deficiencies in the application by January 8, 2024, and that Staff be directed to file a supplemental recommendation on the administrative completeness of the application by February 8, 2024. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: December 7, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

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Managing Attorney

/s/ David Skawin
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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 December 7, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ David Skawin
David Skawin

Public Utility Commission of Texas

Memorandum

TO: David Skawin, Attorney
Legal Division

FROM: Tsungirirai Gotor, Sr. Infrastructure Analyst
Infrastructure Division

DATE: December 7, 2023

RE: Docket No. 55810 – *Application of MCC Utilities, LLC for Certificates of Convenience and Necessity in Harris County*

On November 7, 2023, MCC Utilities, LLC (MCC Utilities) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) and sewer CCN in Harris 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 MCC Utilities, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

The following deficiencies must be remedied:

- 1) Provide a copy of the last Comprehensive Compliance Investigation (CCI) report from the TCEQ.
- 2) For each violation listed, if any, provide a brief explanation listing the actions taken or being taken by the utility to correct the listed violations, including proposed completion dates.

Mapping Content:

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on November 11, 2023 are deficient.

MCC Utilities 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 MCC Utilities obtain additional mapping guidance from the PUCT's mapping staff, Dave Babicki, by email at dave.babicki@puc.texas.gov, to resolve the mapping deficiencies. In addition, the applicant is advised to carefully review the PUCT's CCN Mapping Information webpage at:

<https://www.puc.texas.gov/industry/water/utilities/gis.aspx>.

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 Skawin, Legal Division
Legal Division

FROM: David Lopez, Rate Analyst
Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: December 7, 2023

RE: Docket No. 55810 – *Application of MCC Utilities, LLC for Certificates of Convenience and Necessity in Harris County*

On November 7, 2023, MCC Utilities, LLC (MCC) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) and sewer CCN in Harris County under Subchapter G of Texas Water Code Chapter 13.

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

1. A facilities map showing the location of the sewer treatment plant, collection systems, and 310 connections within the requested area boundary lines;
2. a facilities map showing the location of the water plant, distribution systems, and 310 connections within the requested are boundary lines; and
3. an affidavit from MCC attesting to the sufficiency and capacity of the water and sewer plants, distribution lines, collections lines, and connections installed to provide continuous and adequate water and sewer service to the 310 connections in requested area, as well as indicating if all capital improvements have been constructed and installed.