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DOCKET NO. 56371

PETITION OF WALTON TEXAS, LP TO	§	PUBLIC UTILITY COMMISSION
AMEND CITY OF SAN MARCOS'	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN CALDWELL	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

I. INTRODUCTION

On March 15, 2024, Walton Texas, LP (Walton Texas) filed a petition for streamlined expedited release from the City of San Marcos' (San Marcos) sewer Certificate of Convenience and Necessity (CCN) number 20116 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Walton Texas asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Caldwell County, which is a qualifying county.

On March 18, 2024, 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 petition and sufficiency of notice by April 15, 2024. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum from Jolie Mathis of the Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

III. 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. Walton Texas stated that it mailed a copy of its petition to the CCN holder, San Marcos, by certified mail on the day

the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete and that the notice be found sufficient. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 15, 2024

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Tyler Xu
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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 15, 2024 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Tyler Xu
Tyler Xu

Public Utility Commission of Texas

Memorandum

TO: Tyler Xu, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 15, 2024

RE: Docket No. 56371 – *Petition of Walton Texas, LP to Amend City of San Marcos' Certificate of Convenience and Necessity in Caldwell County by Streamlined Expedited Release*

On March 15, 2024, Walton Texas, LP (Walton Texas) filed a petition for streamlined expedited release from the City of San Marcos' (San Marcos) sewer Certificate of Convenience and Necessity (CCN) No. 20116 in Caldwell County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Walton Texas asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Caldwell County, which is a qualifying county.

Walton Texas submitted a sworn affidavit attesting that the tract of land was not receiving sewer service from San Marcos and a warranty deed confirming ownership of the landowner's total property. Walton Texas included a statement indicating a copy of the petition was sent via certified mail to San Marcos on the date the petition was filed with the Commission.

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps, digital mapping data and metes and bounds survey sealed by a registered professional land surveyor filed with Item 1 on March 15, 2024 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within San Marcos' sewer CCN.

The landowner's total property is approximately 120.7 acres. The tract of land in the petition for streamlined expedited release is approximately 120.7 acres, of which approximately 120.7 acres overlap San Marcos' service area (CCN No. 20116) and would be decertified from CCN No. 20116.

Based on my technical and managerial review and the mapping review by Hank Journeay of the information provided by Walton Texas, I recommend the petition be deemed administratively complete and accepted for filing.