



## **Filing Receipt**

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**Control Number - 56457**

**Item Number - 3**

**DOCKET NO. 56457**

<b>PETITION OF DENTON OLIVER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CREEK, LP TO AMEND AQUA TEXAS,</b>	<b>§</b>	
<b>INC.'S CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

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

On April 5, 2024, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) number 13201 in Denton County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On April 8, 2024, the administrative law judge (ALJ) filed Order No. 1, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice by May 6, 2024. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and, as detailed in the attached memorandum from Jaspinder Singh of the Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Denton Oliver Creek be ordered to cure the deficiencies identified in Mr. Singh's memorandum by June 6, 2024, and that Staff be given a deadline of July 11, 2024, to file a supplemental recommendation on the administrative completeness of the petition and notice.

Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to petition content and mapping information and Staff's mapping experts may be required to assist Denton Oliver Creek 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 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.

## **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, and that Denton Oliver Creek be ordered to file supplemental information to cure the deficiencies in the petition by June 6, 2024, and that Staff be given a deadline of July 11, 2024, to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: May 6, 2024

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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**DOCKET NO. 56457**

**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 6, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Arnett D. Caviel  
Arnett D. Caviel

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Arnett Caviel, Attorney  
Legal Division

**FROM:** Jaspinder Singh, Engineering Specialist  
Infrastructure Division

**DATE:** May 6, 2024

**RE:** Docket No. 56457 – *Petition of Denton Oliver Creek, LP to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

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On April 5, 2024, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

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

### **Mapping Content:**

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps and digital mapping data filed with Item 1 on April 5, 2024, are deficient.

Denton Oliver Creek must file the following items to resolve the mapping deficiencies:

1. A general location map identifying only the tract of land, in reference to the nearest county boundary, city, or town.
2. A detailed map identifying only the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
3. 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 that Denton Oliver Creek obtain additional mapping guidance from the PUCT's mapping staff, Dave Babicki, by email at [dave.babicki@puc.texas.gov](mailto: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>.