



Control Number: 27277



Item Number: 1

Addendum StartPage: 0

27277

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PUBLIC UTILITY COMMISSION OF TEXAS

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(Commission Use Only)

Docket No. \_\_\_\_\_

File No. \_\_\_\_\_

FILING CLERK  
PUBLIC UTILITY COMMISSION  
ELECTRIC UTILITY APPLICATION  
TO AMEND CERTIFICATED SERVICE AREA BOUNDARIES

1. (a) Applicant: Public Utilities Board of the City of Brownsville, Texas (BPUB)

Business P. O. Box 3270

Business

Address: 1425 Robin Hood Drive

Telephone: 956/983-6100

Brownsville

Cameron

Texas 78523-3270

(City)

(County)

(State and Zip Code)

Existing Certificate No. 30021

2. Persons to be contacted with respect to this application:

John W. Davidson  
Davidson & Troilo, P.C.  
Attorney for PUB  
7550 IH 10 West  
Suite 800  
San Antonio, Texas 78229-5815  
(210) 349-6484  
(210) 349-0041 (Facsimile)

3. List all counties and municipalities involved in the proposed boundary change:  
Cameron County; City of Brownsville, Texas

4. List all utilities whose existing certificated boundary would be affected by the proposed change: Public Utilities Board of the City of Brownsville, Texas (BPUB); Central Power and Light Company (CP&L).

5. Attach two (2) copies of a full scale general highway map showing the existing boundary and the proposed boundary change and the proposed routes or placement of any proposed distribution or transmission lines which will be constructed. Also show any existing lines, if any, which are located in the area affected by the boundary change. (Separate maps for each county involved must be submitted).

6. State on a separate page the reasons why the boundary change is sought, including a description of new loads to be served and new facilities to be constructed if the application is granted.

See attached answer.

7. State the amount of money expected to be expended on new facilities if the application is granted: Area No. 1: \$1,067,910.61, Area No. 2: \$48,085.31 and Area No. 3: \$10,760.27.

8. If the proposed boundary change involves an area within an incorporated municipality not previously certificated to the applicant, attach a copy of any franchise, permit or other evidence of consent of the municipality held by the applicant.

Not applicable.

9. Has the applicant obtained the agreement of other utilities affected by the proposed amendment? \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ If a written agreement exists, attach a copy of such.

CP&L does not oppose or contest the application. See attached answer.

10. Is a hearing on this matter requested pursuant to Section 54(a), Public Utility Regulatory Act? \_\_\_\_ Yes XXXX No (If the proposed amendment is agreed upon by all affected parties, this application may be processed administratively by the Commission without the necessity of a formal hearing.).

See answer to Question No. 9.

11. Is existing service adequate in the area proposed to be changed by the application? \_\_\_\_ Yes XXXX No Explain: The areas applied for are not yet developed. Distribution facilities will need to be constructed.

12. Describe the specific need for additional service in the area affected, if additional service is proposed by this application.

See answer to Question No. 6, which discusses the requests for electric utility service that have been received by BPUB.

13. Will the proposed change have any effect on community values, recreational and park areas, historical and aesthetic values, or environmental integrity? XXXX Yes  
\_\_\_\_ No If Yes, describe the effect.

See attached answer.

14. Would the granting of this application result in improvement of service or lowering of costs to consumers in the area affected. Explain.

XXXX Yes \_\_\_\_ No

See attached answer.

## **ANSWER TO QUESTION NO. 6.**

Area No. 1: BPUB has received a request from Eduardo Larrazolo dba Warro, Inc. for electrical service to the Larrazolo Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Larrazolo Subdivision that is located on the North side of FM 511. The estimated cost of these facilities is estimated to be \$1,067,910.61.

There is an existing CP&L electric line along FM 511 adjacent to this property. BPUB is proposing to extend 80,000 feet of underground distribution lines within the subdivision to serve this project. The area consists of 200 acres of land along the North side FM 511 named the Larrazolo Subdivision that will be developed by Eduardo Larrazolo dba Warro, Inc. during 2003. The area is currently undeveloped and is solely owned by Eduardo Larrazolo dba Warro, Inc. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Eduardo Larrazolo and BPUB will also furnish notice to the Brownsville Herald for future publication.

Area No. 2: BPUB has received a request from Victor Garcia for electrical service to the Diamond Point Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Diamond Point Subdivision that is located north of Alton Gloor Boulevard and south of the Lakeway Subdivision. The estimated cost of these facilities is estimated to be \$48,085.31.

There is an existing CP&L electric line along Alton Gloor Boulevard adjacent to this property. BPUB is proposing to extend overhead electrical lines approximately 2000 feet west along Alton Gloor Boulevard and 1500 feet of underground distribution lines within the subdivision feet to serve this project. This area consists of 6 acres of land along the North side of Alton Gloor Boulevard and South of Lakeway Subdivision that will be developed by Victor Garcia during 2003. The area is currently undeveloped and is solely owned by Victor Garcia. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Victor Garcia and BPUB will also furnish notice to the Brownsville Herald for future publication.

Area No. 3: BPUB has received a request from the Nino Gutierrez, Deputy Port Director, Operations of the Brownsville Navigation District, for electrical service to 2.63 acres of land (Section 17, Part 4) along Old Alice Highway on which the Brownsville Navigation District is constructing a new rail office (UPRR Yard Office). BPUB is seeking to provide electrical service to the site of the new rail office (UPRR Yard Office) that is located on the southwest corner of the new rail yard and along Old Alice Highway. The estimated cost of these facilities is estimated to be \$10,760.27.

There are existing BPUB and CP&L electric lines along Old Alice Highway adjacent to this property. BPUB is proposing to extend an underground distribution line along Old Alice Highway approximately 150 feet to serve this property. The area consists of 2.63 acres of land (Section 17, Part 4) along Old Alice Highway that will be developed by the Brownsville Navigation District (Port of Brownsville) as a UPRR Yard Office in 2003. The area is currently undeveloped and is solely owned by Brownsville Navigation District (Port of Brownsville). In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner, Brownsville Navigation District Court and BPUB will also furnish notice to the Brownsville Herald for future publication.

#### **ANSWER TO QUESTION NO. 9.**

On February 23, 1982, the City of Brownsville, Texas, acting by and through the Public Utilities Board, and CP&L entered into an agreement, a copy of which is attached hereto, whereby CP&L agreed not to contest or oppose applications by the City for dual or multiple certification to be granted by the Public Utility Commission to the City in areas within the city limits of the City of Brownsville, Texas, as they currently exist or as they may hereafter be extended by annexation or otherwise. The areas for which this Application is made are all within the corporate limits of the City of Brownsville, Texas. The area surrounding the sites of the Larrazolo Subdivision, Diamond Point Subdivision and the Port of Brownsville Rail Office is singly certificated to CP&L. The agreement between BPUB and CP&L meets all of the requirements set out in Tex. Util. Code §37.061 regarding Existing Service Area Agreements.

The applicant requests this application be considered as a minor boundary change.

#### **ANSWER TO QUESTION NO. 13.**

BPUB asserts that community values will be positively affected because the Public Utilities Board Consumer Advisory Panel (PUBCAP) provides direct input by the citizens and ratepayers of the City of Brownsville into the decisions made by BPUB concerning its operation. PUBCAP was organized in 1983 to better inform Board officials and staff as to the needs and concerns of its customers. PUBCAP is comprised of ten members representing a cross-section of the system's service area and one representative from BPUB.

There are no recreational, park areas or historical sites within the areas requested. Also, no negative environmental impact is anticipated.

To enhance aesthetics, the requested services will be underground.

There will be no duplication of distribution facilities within the area if this application is granted. The area is presently unimproved, and distribution facilities will need to be constructed in order to provide service.

Area No. 1: The Larrazolo Subdivision may be served by BPUB for water and wastewater services and if so, the current developer and future landowners will benefit from the convenience of a single utility source.

Area No. 2: The Diamond Point Subdivision will be served by BPUB for water and wastewater services and the current developer and future landowners will benefit from the convenience of a single utility source.

Area No. 3: The Port of Brownsville, Brownsville Navigation District, will be served by BPUB for water and wastewater services and will benefit from the convenience of a single utility source.

**ANSWER TO QUESTION NO. 14.**

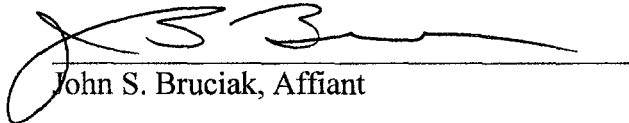
The granting of the application will result in improvement of service as there is no electrical service currently provided in the area to be developed. Historically, BPUB's standard rates for a residential customer using 1000 kWh has been comparable to or lower than those of CP&L. BPUB will provide electric service to the Larrazolo Subdivision, Diamond Point Subdivision and Port of Brownsville at a competitive commercial and residential rate. In any event, the retail customers in the three areas will have a choice of electrical providers in that the areas would be dually certificated to CP&L and BPUB.

**OATH**

STATE OF TEXAS

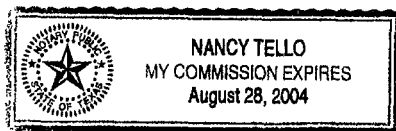
COUNTY OF CAMERON

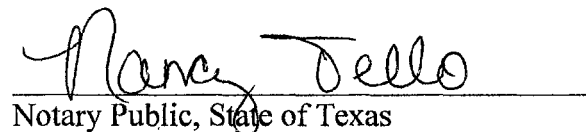
I, JOHN S. BRUCIAK, being duly sworn, file this application as General Manager and Chief Executive Officer of the Public Utilities Board of the City of Brownsville; that in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith; that notice of its filing was given to all neighboring utilities and to the County Commission of Cameron County; and that this application does not duplicate any filing presently before the Commission.

  
John S. Bruciak, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State and County above named, this 15<sup>th</sup> day of January, 2003.

(SEAL)



  
Notary Public, State of Texas



JOHN W. DAVIDSON  
ARTHUR TROILO  
TERRY TOPHAM  
CHEREE TULL KINZIE  
R. GAINES GRIFFIN  
RICHARD E. HETTINGER  
PATRICK W. LINDNER  
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A PROFESSIONAL CORPORATION

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MARIA S. SANCHEZ\*  
DALBY FLEMING  
\* AUSTIN OFFICE

AUSTIN  
919 CONGRESS, SUITE 810, 78701  
512/469-6006 • FAX 512/473-2159

January 24, 2003

Cameron County Commissioners  
Cameron County Courthouse  
964 E. Harrison Street  
Brownsville, Texas 78520

Dear Commissioners:

*RE: Notice of Application to Amend Certificates of Convenience and  
Necessity Filed with the Public Utility Commission of Texas*

Please take notice that the Public Utilities Board of the City of Brownsville ("PUB") has filed an application with the Public Utility Commission of Texas for an amendment to its Certificate of Convenience and Necessity to include the below-described areas which are within the city limits of the City of Brownsville, Texas. The areas are currently certificated to Central Power and Light Company, and are set out on a map filed with the Commission, a copy of which is kept at PUB's office at 1425 Robinhood Drive, Brownsville, Texas 78520. In addition, a vicinity map is attached to this letter showing the geographic location of the areas applied for.

Area No. 1: BPUB has received a request from Eduardo Larrazolo dba Warro, Inc. for electrical service to the Larrazolo Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Larrazolo Subdivision that is located on the North side of FM 511. The estimated cost of these facilities is estimated to be \$1,067,910.61.

There is an existing CP&L electric line along FM 511 adjacent to this property. BPUB is proposing to extend 80,000 feet of underground distribution lines within the subdivision to serve this project. The area consists of 200 acres of land along the North side FM 511 named the Larrazolo Subdivision that will be developed by Eduardo Larrazolo dba Warro, Inc. during 2003. The area is currently undeveloped and is solely owned by Eduardo Larrazolo dba Warro, Inc. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court. Eduardo Larrazolo and BPUB will also furnish notice to the Brownsville Herald for future publication.

Area No. 2: BPUB has received a request from Victor Garcia for electrical service to the Diamond Point Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Diamond Point Subdivision that is located north of Alton Gloor Boulevard and south of the Lakeway Subdivision. The estimated cost of these facilities is estimated to be \$48,085.31.

There is an existing CP&L electric line along Alton Gloor Boulevard adjacent to this property. BPUB is proposing to extend overhead electrical lines approximately 2000 feet west along Alton Gloor Boulevard and 1500 feet of underground distribution lines within the subdivision feet to serve this project. This area consists of 6 acres of land along the North side of Alton Gloor Boulevard and South of Lakeway Subdivision that will be developed by Victor Garcia during 2003. The area is currently undeveloped and is solely owned by Victor Garcia. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Victor Garcia and BPUB will also furnish notice to the Brownsville Herald for future publication.

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There is an existing BPUB and CP&L electric lines along Old Alice Highway adjacent to this property. BPUB is proposing to extend an underground distribution line along Old Alice Highway approximately 150 feet to serve this property. The area consists of 2.63 acres of land (Section 17, Part 4) along Old Alice Highway that will be developed by the Brownsville Navigation District (Port of Brownsville) as a UPRR Yard Office in 2003. The area is currently undeveloped and is solely owned by Brownsville Navigation District (Port of Brownsville). In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Brownsville Navigation District and BPUB will also furnish notice to the Brownsville Herald for future publication.

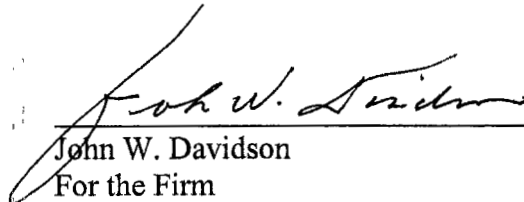
Persons with questions about this project should contact James McCann, Public Utilities Board, at (956) 983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P. O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's (commission) Office of Customer Protection at 512/936-7120 or 888/782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at 512/936-

Cameron County Commissioners

January 24, 2003

7136. The deadline for intervention in the proceeding is March 10, 2003, and a letter requesting intervention should be received by the commission by that date..

Sincerely yours,



John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITIES BOARD OF THE CITY  
OF BROWNSVILLE, TEXAS

JWD/jb

Enclosure

cc: Mr. James McCann

JOHN W. DAVIDSON  
ARTHUR TROILO  
TERRY TOPHAM  
CHEREE TULL KINZIE  
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SUSAN K. MURPHY  
MARIA S. SANCHEZ\*  
DALBY FLEMING  
\*AUSTIN OFFICE

January 24, 2003

Mr. Harry R. Gordon  
Vice President, Corpus Christi Distribution Region  
American Electric Power Company  
P.O. Box 2121  
Corpus Christi, Texas 78403

*RE: Notice of Application to Amend Certificate of Convenience and  
Necessity Filed with the Public Utility Commission of Texas*

Dear Mr. Gordon:

Please take notice that the Public Utilities Board of the City of Brownsville ("PUB") has filed an application with the Public Utility Commission of Texas for an amendment to its Certificate of Convenience and Necessity to include the below-described areas which are within the city limits of the City of Brownsville, Texas. The areas are currently certificated to Central Power and Light Company, and are set out on a map filed with the Commission, a copy of which is kept at PUB's office at 1425 Robinhood Drive, Brownsville, Texas 78520. In addition, a vicinity map is attached to this letter showing the geographic location of the areas applied for.

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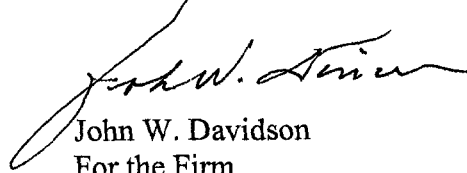
Persons with questions about this project should contact James McCann, Public Utilities Board, at (956) 983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Mr. Harry R. Gordon

January 24, 2003

The deadline for intervention in the proceeding is March 10, 2003, and a letter requesting intervention should be received by the commission by that date.

Sincerely,

A handwritten signature in cursive script, appearing to read "John W. Davidson".

John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITY BOARD OF THE CITY OF  
BROWNSVILLE, TEXAS

JWD:mp  
Enclosure  
cc: Mr. James McCann

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\* AUSTIN OFFICE

January 24, 2003

Mr. Nino Gutierrez  
Deputy Port Director, Operations  
Port of Brownsville  
Brownsville Navigation District  
1000 Foust Road  
Brownsville, Texas 78521

*Re: Notice of Application to Amend Certificate of Convenience and Necessity  
filed with Public Utility Commission*

Dear Mr. Gutierrez:

Please take notice that the Brownsville Public Utilities Board of the City of Brownsville, Texas (BPUB) has filed an application with the Public Utility Commission of Texas for an amendment to its Certificate of Convenience and Necessity.

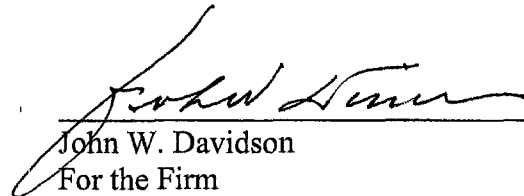
You have requested electric service from BPUB for a UPRR Yard Office comprising 2.63 acres, which Brownsville Navigation District will be developing as UPRR Yard Office. A vicinity map showing the area which is the subject of BPUB's application is attached hereto. Central Power and Light Company (CPL) is presently singly certificated to provide electric service to the area, and BPUB's application seeks dual certification with CPL in order that BPUB may provide the electric service requested by you. A map of the area has been filed with the Commission and a copy is kept at BPUB's offices at 1425 Robinhood Drive, Brownsville, Texas 78520.

In order to serve the subdivision, BPUB will need to construct distribution facilities within the development. The cost to provide these facilities is estimated at \$10,760.27.

January 7, 2003

If you have any questions about this project, you should contact James McCann, Public Utilities Board, at (956) 983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P. O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's (commission) Office of Customer Protection at 512/936-7120 or 888/782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at 512/936-7136. The deadline for intervention in the proceeding is March 10, 2003, and a letter requesting intervention should be received by the commission by that date.

Sincerely yours,



John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITIES BOARD OF THE CITY  
OF BROWNSVILLE, TEXAS

JWD/jb

Enclosure

cc: Mr. James McCann



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SUSAN K. MURPHY  
MARIA S. SANCHEZ\*  
DALBY FLEMING  
\* AUSTIN OFFICE

January 24, 2003

Mr. Victor Garcia  
Diamond Point Subdivision  
900 W. Tandy Road  
Brownsville, Texas 78520

*Re: Notice of Application to Amend Certificate of Convenience and Necessity  
filed with Public Utility Commission*

Dear Mr. Garcia:

Please take notice that the Brownsville Public Utilities Board of the City of Brownsville, Texas (BPUB) has filed an application with the Public Utility Commission of Texas for an amendment to its Certificate of Convenience and Necessity.

You have requested electric service from BPUB for a residential subdivision comprising 6 acres, which you will be developing as Diamond Point Subdivision. A vicinity map showing the area which is the subject of BPUB's application is attached hereto. Central Power and Light Company (CPL) is presently singly certificated to provide electric service to the area, and BPUB's application seeks dual certification with CPL in order that BPUB may provide the electric service requested by you. A map of the area has been filed with the Commission and a copy is kept at BPUB's offices at 1425 Robinhood Drive, Brownsville, Texas 78520.

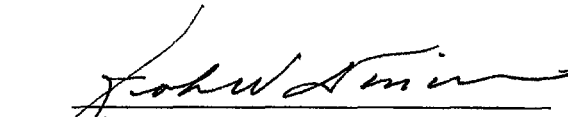
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If you have any questions about this project, you should contact James McCann, Public Utilities Board, at (956) 983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P. O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's (commission) Office of Customer Protection at 512/936-7120 or 888/782-8477. Hearing- and speech-impaired

January 7, 2003

individuals with text telephones (TTY) may contact the commission at 512/936-7136. The deadline for intervention in the proceeding is March 10, 2003, and a letter requesting intervention should be received by the commission by that date.

Sincerely yours,

  
\_\_\_\_\_  
John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITIES BOARD OF THE CITY  
OF BROWNSVILLE, TEXAS

JWD/jb  
Enclosure  
cc: Mr. James McCann

JOHN W. DAVIDSON  
ARTHUR TROILO  
TERRY TOPHAM  
CHEREE TULL KINZIE  
R. GAINES GRIFFIN  
RICHARD E. HETTINGER  
PATRICK W. LINDNER  
IRWIN D. ZUCKER  
RICHARD D. O'NEIL

LAW OFFICES OF  
**DAVIDSON & TROILO**

A PROFESSIONAL CORPORATION

SAN ANTONIO  
7550 W IH-10, SUITE 800, 78229-5815  
210/349-6484 • FAX: 210/349-0041

AUSTIN  
919 CONGRESS, SUITE 810, 78701  
512/469-6006 • FAX 512/473-2159

J. MARK CRAUN  
LEA A. REAM  
GARY L. FULLER  
JAMES C. WOO  
RICHARD L. CROZIER\*  
SUSAN K. MURPHY  
MARIA S. SANCHEZ\*  
DALBY FLEMING  
\* AUSTIN OFFICE

January 24, 2003

Mr. Eduardo R. Larrazolo  
Dba Warro, Inc.  
63 Coveway Drive  
Brownsville, Texas 78521

Re: *Notice of Application to Amend Certificate of Convenience and Necessity  
filed with Public Utility Commission*

Dear Mr. Larrazolo:

Please take notice that the Brownsville Public Utilities Board of the City of Brownsville, Texas (BPUB) has filed an application with the Public Utility Commission of Texas for an amendment to its Certificate of Convenience and Necessity.

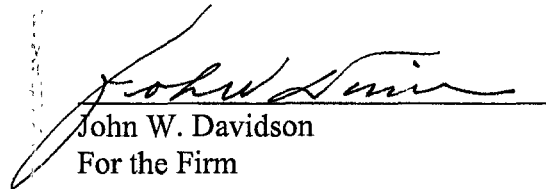
You have requested electric service from BPUB for a residential subdivision comprising 200 acres, which you will be developing as Larrazolo Subdivision. A vicinity map showing the area that is the subject of BPUB's application is attached hereto. Central Power and Light Company (CPL) is presently singly certificated to provide electric service to the area, and BPUB's application seeks dual certification with CPL in order that BPUB may provide the electric service requested by you. A map of the area has been filed with the Commission and a copy is kept at BPUB's offices at 1425 Robinhood Drive, Brownsville, Texas 78520.

In order to serve the subdivision, BPUB will need to construct distribution facilities within the development. The cost to provide these facilities is estimated at \$1,067,910.61.

January 7-, 2003

If you have any questions about this project, you should contact James McCann, Public Utilities Board, at (956) 983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P. O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's (commission) Office of Customer Protection at 512/936-7120 or 888/782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at 512/936-7136. The deadline for intervention in the proceeding is March 10, 2003, and a letter requesting intervention should be received by the commission by that date.

Sincerely yours,



John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITIES BOARD OF THE CITY  
OF BROWNSVILLE, TEXAS

JWD/jb

Enclosure

cc: Mr. James McCann

JOHN W. DAVIDSON  
ARTHUR TROILO  
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DALBY FLEMING  
\* AUSTIN OFFICE

AUSTIN  
919 CONGRESS, SUITE 810, 78701  
512/469-6006 • FAX 512/473-2159

January 24, 2003

*Brownsville Herald*  
1135 E. Van Buren  
Brownsville, Texas 78520

Attention: Mr. Ignacia Ortego, Classified Ads Manager

Dear Mr. Ortego:

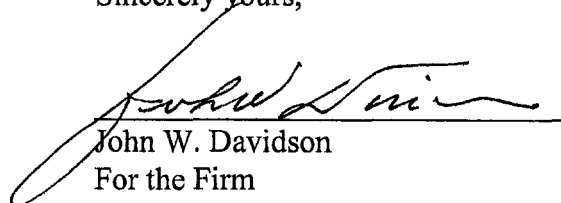
Enclosed please find a Notice of Application to Amend Certificate of Convenience and Necessity which we request be published in the *Brownsville Herald* once during the week January 13, 2002, and published again one week after the date of first publication.

Please provide me with your Publisher's Affidavit as soon as publication has been completed. **PLEASE NOTE: Your affidavit should state the counties in which the newspaper is of general circulation and the dates upon which the notice was published, as well as the fact that the notice was published in a conspicuous place.**

Please forward your statement for the cost of publication to me at the above address. If you have any questions or need additional information, then please contact me at (210) 349-6484.

Thank you in advance for your assistance in this matter.

Sincerely yours,



John W. Davidson  
For the Firm

ATTORNEYS FOR THE PUBLIC  
UTILITY BOARD OF THE CITY OF  
BROWNSVILLE, TEXAS

JWD: rrj  
Enclosure  
cc: Mr. James McCann

**NOTICE OF APPLICATION TO AMEND CERTIFICATE OF CONVENIENCE AND  
NECESSITY FILED WITH THE PUBLIC UTILITY COMMISSION OF TEXAS**

Please take notice that the Public Utilities Board of the City of Brownsville ("PUB") has filed an application with the Public Utility Commission of Texas for an amendment of its Certificate of Convenience and Necessity to include the following described areas which are within the city limits of the City of Brownsville, Texas, which are currently certificated to Central Power and Light Company, as set out on a map filed with the Commission, a copy of which is kept at the offices of the Public Utilities Board of the City of Brownsville located at 1425 Robinhood Drive, Brownsville, Texas 78520.

Area No. 1: BPUB has received a request from Eduardo Larrazolo dba Warro, Inc. for electrical service to the Larrazolo Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Larrazolo Subdivision that is located on the North side of FM 511. The estimated cost of these facilities is estimated to be \$1,067,910.61.

There is an existing CP&L electric line along FM 511 adjacent to this property. BPUB is proposing to extend 80,000 feet of underground distribution lines within the subdivision to serve this project. The area consists of 200 acres of land along the North side FM 511 named the Larrazolo Subdivision that will be developed by Eduardo Larrazolo dba Warro, Inc. during 2003. The area is currently undeveloped and is solely owned by Eduardo Larrazolo dba Warro, Inc. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Eduardo Larrazolo and BPUB will also furnish notice to the Brownsville Herald for future publication.

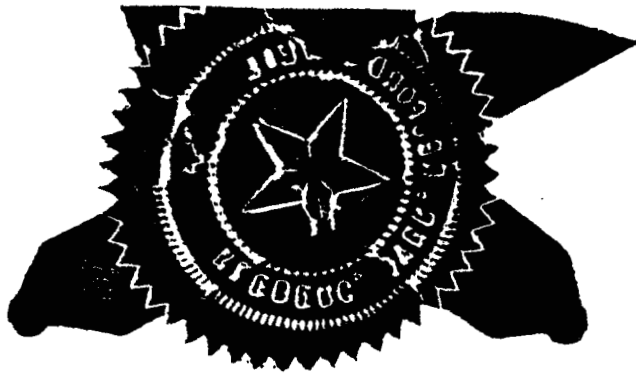
Area No. 2: BPUB has received a request from Victor Garcia for electrical service to the Diamond Point Subdivision. BPUB is seeking the ability to provide electrical service to the site of the Diamond Point Subdivision that is located north of Alton Gloor Boulevard and south of the Lakeway Subdivision. The estimated cost of these facilities is estimated to be \$48,085.31.

There is an existing CP&L electric line along Alton Gloor Boulevard adjacent to this property. BPUB is proposing to extend overhead electrical lines approximately 2000 feet west along Alton Gloor Boulevard and 1500 feet of underground distribution lines within the subdivision feet to serve this project. This area consists of 6 acres of land along the North side of Alton Gloor Boulevard and South of Lakeway Subdivision that will be developed by Victor Garcia during 2003. The area is currently undeveloped and is solely owned by Victor Garcia. In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Victor Garcia and BPUB will also furnish notice to the Brownsville Herald for future publication.

Area No. 3: BPUB has received a request from the Nino Gutierrez, Deputy Port Director, Operations of the Brownsville Navigation District, for electrical service to 2.63 acres of land (Section 17, Part 4) along Old Alice Highway on which the Brownsville Navigation District is constructing a new rail office (UPRR Yard Office). BPUB is seeking to provide electrical service to the site of the new rail office (UPRR Yard Office) that is located on the southwest corner of the new rail yard and along Old Alice Highway. The estimated cost of these facilities is estimated to be \$10,760.27.

There is an existing BPUB and CP&L electric lines along Old Alice Highway adjacent to this property. BPUB is proposing to extend an underground distribution line along Old Alice Highway approximately 150 feet to serve this property. The area consists of 2.63 acres of land (Section 17, Part 4) along Old Alice Highway that will be developed by the Brownsville Navigation District (Port of Brownsville) as a UPRR Yard Office in 2003. The area is currently undeveloped and is solely owned by Brownsville Navigation District (Port of Brownsville). In addition, no property owners will be affected by this service and thus no additional notice requirements to landowners are necessary. Notice of application has been mailed to American Electric Power Company, the Cameron County Commissioner Court, Brownsville Navigation District and BPUB will also furnish notice to the Brownsville Herald for future publication.

Persons with questions about this project should contact James McCann, Public Utilities Board, at (956)983-6203. Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas at P. O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission's (commission) Office of Customer Protection at 512/936-7120 or 888/782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at 512/936-7136. The deadline for intervention in the proceeding is February 20, 2003, and a letter requesting intervention should be received by the commission by that date.



**BROWNSVILLE CERTIFICATION OF  
SERVICE AREA AGREEMENT**

WHEREAS, both Central Power and Light Company (Company) and the City of Brownsville, Texas, operating by and through the Public Utilities Board of the City of Brownsville, Texas (City), generate, transmit and distribute electricity to citizens of the City of Brownsville and ratepayers outside of the city limits of the City of Brownsville but adjacent thereto pursuant to certificates of convenience and necessity issued by the Public Utility Commission of Texas (PUCT); and

WHEREAS, Company and City have heretofore entered into a Compromise Settlement Agreement dated January 6, 1982, whereby Company has agreed, in part, not to contest applications of City for dual or multiple certification by the PUCT of areas within the current or future city limits of the City of Brownsville certificated for service by Company, and Company and City have agreed as to Company's rights under Section 53 of the PURA and PUCT Rules pertinent to the same (grandfather rights) along Company's facilities in the Brownsville area; and

WHEREAS, the City has, in the past, made application to the PUCT for the right to provide service to areas both within and adjacent to the City of Brownsville, which applications have been vigorously contested by Company in those areas where Company was certificated to provide electric



WHEREAS, the cost and expense of pursuing, through administrative proceedings, the right to provide service in new areas and the cost and expense of contesting these applications has been incurred by both systems; and

WHEREAS, Company recognizes that City claims a legitimate interest in providing electric service to retail customers located within the present and future city limits of the City of Brownsville; and

WHEREAS, Company and City both believe that the Agreement as outlined below is in the public interest and further recognize that applications by City for dual or multiple certification must be approved by the PUCT under the provisions of Section 54 of the Public Utility Regulatory Act; and

WHEREAS, the Company and City desire to clarify the terms of such agreement between the parties;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein, the parties agree as follows:

I.

CERTIFICATION

1.01 Company agrees not to contest or oppose applications of City for dual or multiple certification to be granted by the Public Utility Commission to the City in areas within the city limits of the City of Brownsville, Texas, as they currently exist or as they may hereafter be extended by annexation or otherwise.

1.02 Nothing contained herein shall be construed as in any manner limiting or restricting Company's right to contest any application by City seeking certification in areas outside the city limits of the City of Brownsville, Texas, or applications, if any, of City to have Company certification to serve any area withdrawn.

II.

DOCKET NO. 3860

2.01 The right of Company to serve customers within a 200 foot corridor of a distribution line traversing the City of Brownsville has been made the subject of Docket No. 3860, presently pending before the Public Utility Commission. Company and City agree to file a Joint Motion for an agreed Order in Docket No. 3860 under the terms of which Order Company will retain the right to provide retail service to two residential customers and the Channel 23 TV Station in the City of Brownsville which are currently being provided retail service by Company. The remainder of such line, from and to points at or within the present limits of City, to be identified in such Joint Motion, will be an express feeder line from which Company will have no right to serve customers by direct drop or otherwise, except as may be permitted by paragraph 2.02.

2.02 Nothing contained herein shall be construed as preventing Company from providing service from such line to laterals presently or in the future necessary to serve

customers in areas certificated for service by Company.

III.

COMPANY'S SECTION 53 GRANDFATHER RIGHTS

3.01 City recognizes Company's "grandfather rights" (TEX.REV.CIV.STAT.ANN. art. 1446c, sec. 53) as to all other Company facilities now or in the future located within areas singly certificated for service by City. With reasonable dispatch, City and Company agree to define with certainty those rights by inspecting Company's facilities with City and Company personnel and reviewing records and maps relevant thereto.

IV.

APPROVAL BY PUCT

4.01 This agreement is made pursuant to the provisions of Section 56 of the PURA. Both City and Company recognize that the PUCT must approve any application for amended Certificates of Convenience and Necessity in accordance with the provisions and requirements of the Public Utility Regulatory Act, and this Agreement is not intended, nor shall it be construed, as interfering with the PUCT's jurisdiction to make that determination on all applications submitted by City.

EXECUTED in multiple originals this 23 day of

February, 1982.

ATTEST:

Florine Gupton  
Assistant Secretary FLORINE GUPTON


CENTRAL POWER AND LIGHT COMPANY

By: [Signature]

President and  
Chief Executive Officer  
WILLIAM DOUGLASS

CITY OF BROWNSVILLE, TEXAS  
Acting by and through the  
PUBLIC UTILITIES BOARD OF THE  
CITY OF BROWNSVILLE, TEXAS

ATTEST:

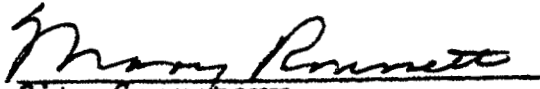
  
Secretary

By:

  
Chairman of the Board

ATTEST:

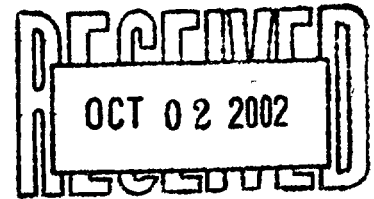
CITY OF BROWNSVILLE, TEXAS

  
City Secretary

By:

  
Mayor

**PORT OF**  
**BROWNSVILLE**  
HOME PORT TO NAFTA



September 30, 2002

Mr. John S. Bruciak  
General Manager & CEO  
Brownsville Public Utilities Board  
P.O. Box 3270  
Brownsville, Texas 78521

Re: Request for electric service  
UPRR Yard Office

Dear Mr. Bruciak:

The Brownsville Navigation District is constructing a new rail office at the southwest corner of the new rail yard and Old Alice Road in north Brownsville. The entire subdivision is located within the corporate limits of the City of Brownsville.

Brownsville PUB is planning to serve the site with water and wastewater services. We request that BPUB also provide electric service to the site. We understand the subdivision is in CPL's certified area. It is also our understanding that CPL, by agreement, will not oppose BPUB's application for certification to this area. We believe that it would be in the best interest of the future clients of the UPRR Yard Office to have electric service provided by BPUB for both economic and convenience reasons.

Please notify me as soon as possible if BPUB will be able to provide electric service to the UPRR Yard Office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nino Gutierrez".

Nino Gutierrez  
Deputy Port Director, Operations

Cc: Criss Yon - CBI.

August 8, 2002

**Victor Garcia**  
Diamond Point Subdivision  
900 W. Tandy Road  
Brownsville, Texas 78520

Mr. John S. Bruciak  
General Manager & CEO  
P.O. Box 3270  
Brownsville, Texas 78523-3270

Rd: Request for electrical service:  
Diamond Point Subdivision

Dear Mr. Bruciak,

I am developing the Diamond Point Subdivision on Alton Gloor Road immediately south of Lakeway Subdivision. The entire subdivision is located within the corporate limits of the City of Brownsville. Water and wastewater service will be provided by the Brownsville Public Utilities Board (BPUB).

We request that BPUB also provide electric service to the subdivision. We understand the Subdivision is in CPL's certified area. It is also our understanding that CPL, by agreement, will not oppose BPUB's application for certification to this area. We believe that it would be in the best interest of the future residents of Diamond Point to have electric service provided by BPUB for both economic and convenience reasons.

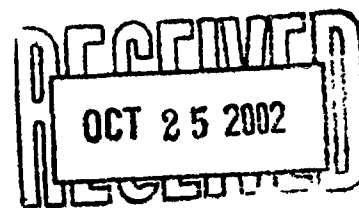
Please notify me as soon as possible if BPUB will be able to provide electric service to the subdivision.

Sincerely,



Victor Garcia  
Owner for Diamond Point Subdivision

Edwardo Larrazolo Dba Warro, Inc.  
63 Coveway Drive  
Brownsville, Texas 78521  
(956) 592-1844



October 21, 2002

Mr. John S. Bruciak  
General Manager & CEO  
Brownsville Public Utilities Board  
P.O. Box 3270  
Brownsville, Texas 78521

Re: Request for electric service  
For 200 acre Development

Dear Mr. Bruciak,

I am developing a 200 Acre commercial & residential Development. The entire subdivision is located within the corporate limits of the City of Brownsville.

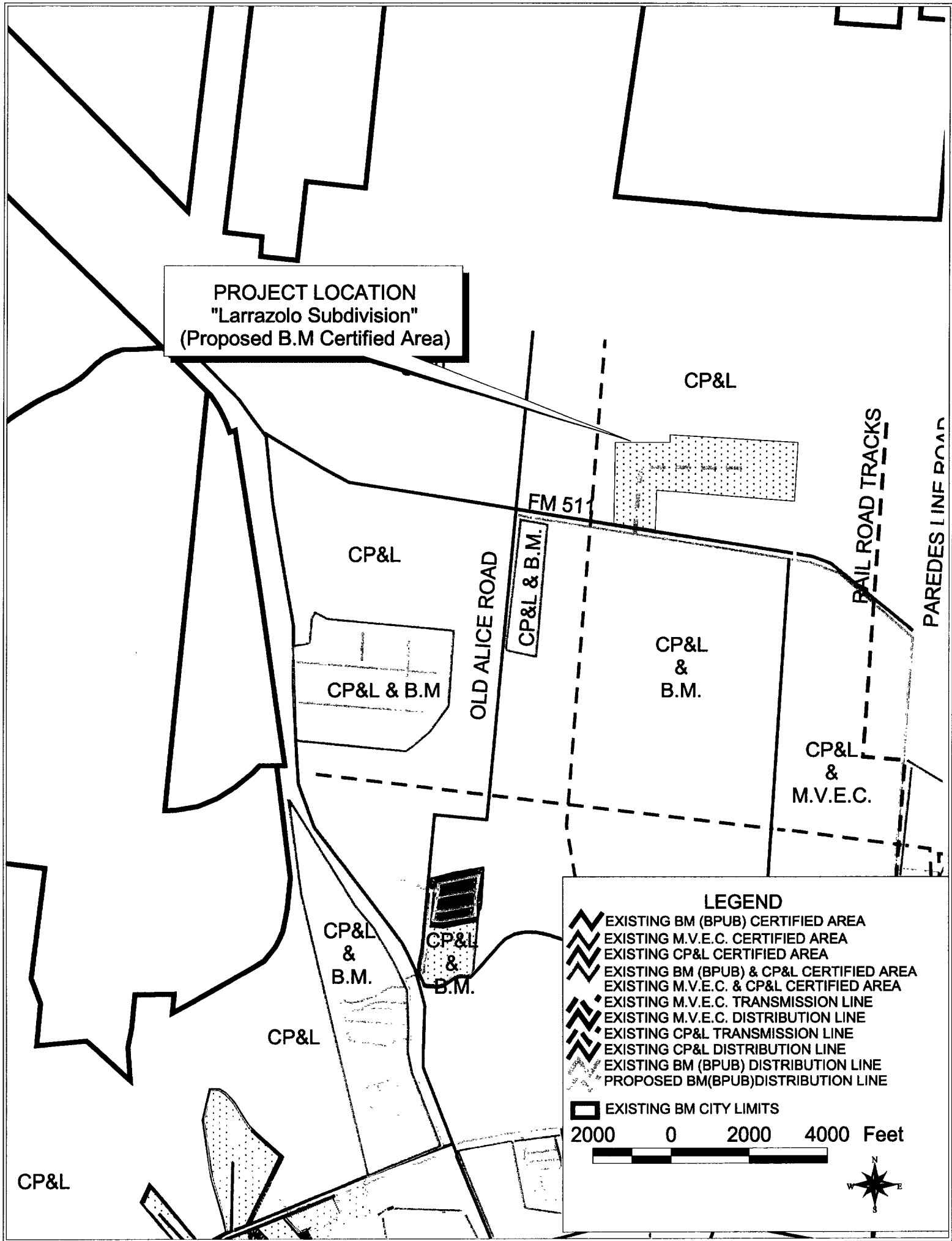
Brownsville PUB is already planning on serving the subdivision with water and wastewater services. I am requesting that BPUB also provide electric service to the subdivision, thereby making it more convenient for me and my clients (by working with one utility provider). We understand the subdivision is in CPL's certified area. It is also our understanding that CPL, by agreement, will not oppose BPUB's application for certification to this area. We believe that it would be in the best interest of my future clients to have electric service provided by BPUB for both economic and convenience reasons.

Please notify me as soon as possible if BPUB will be able to provide electric service to the subdivision.

Sincerely,

  
Eduardo R. Larrazolo Dba Warro, Inc.

**PROJECT LOCATION**  
**"Larrazolo Subdivision"**  
 (Proposed B.M Certified Area)



**LEGEND**

- EXISTING BM (BPUB) CERTIFIED AREA
- EXISTING M.V.E.C. CERTIFIED AREA
- EXISTING CP&L CERTIFIED AREA
- EXISTING BM (BPUB) & CP&L CERTIFIED AREA
- EXISTING M.V.E.C. & CP&L CERTIFIED AREA
- EXISTING M.V.E.C. TRANSMISSION LINE
- EXISTING M.V.E.C. DISTRIBUTION LINE
- EXISTING CP&L TRANSMISSION LINE
- EXISTING CP&L DISTRIBUTION LINE
- EXISTING BM (BPUB) DISTRIBUTION LINE
- PROPOSED BM(BPUB) DISTRIBUTION LINE

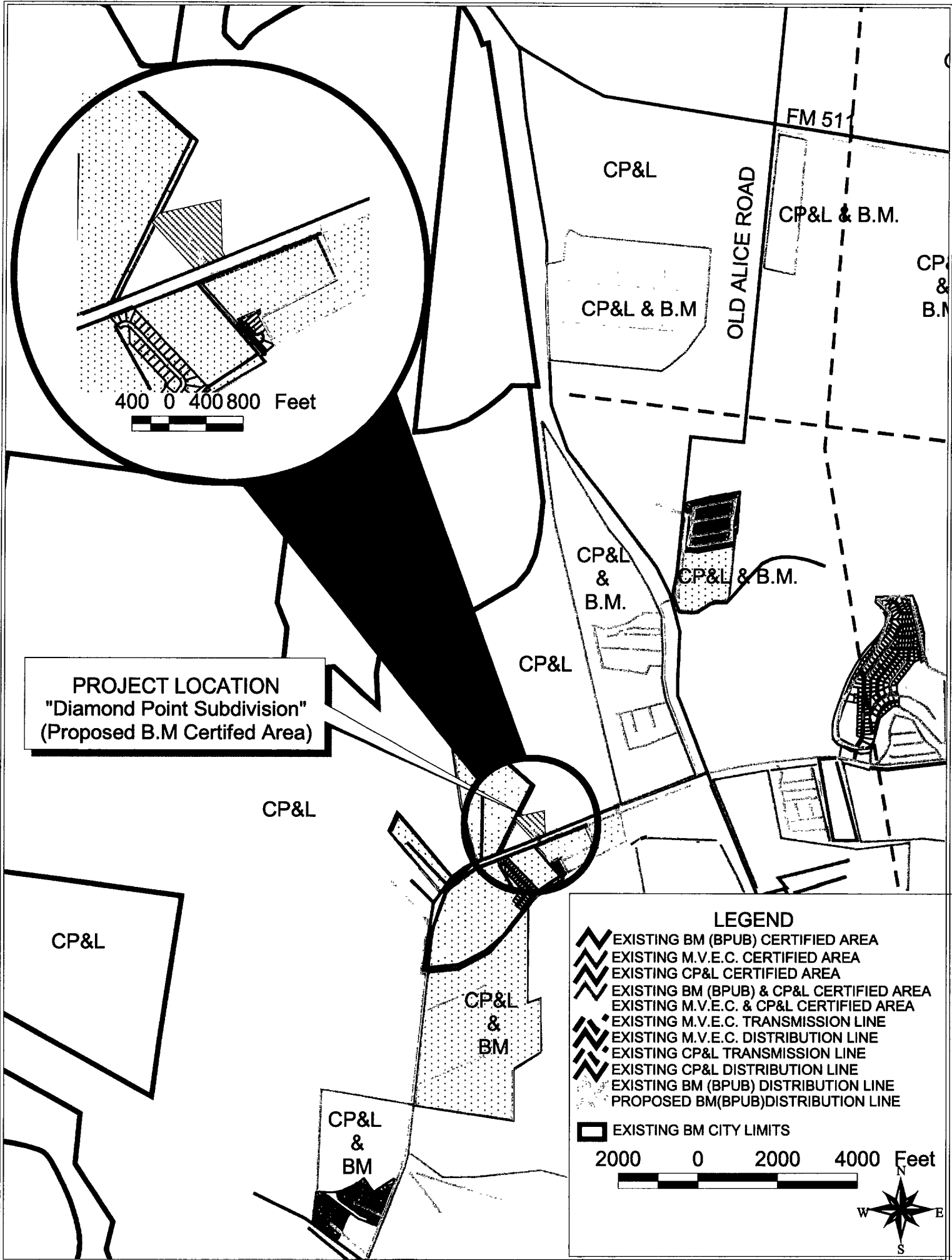
EXISTING BM CITY LIMITS

2000 0 2000 4000 Feet

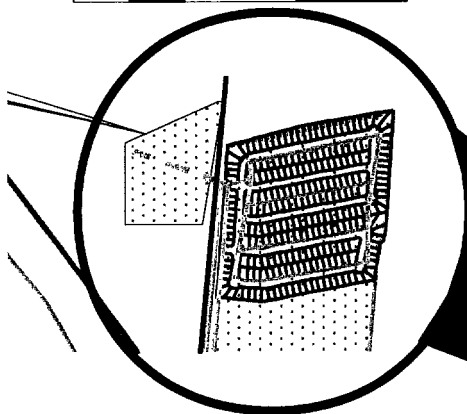


CP&L





900 0 900 1800 Feet



PROJECT LOCATION  
"Rail Road Office"  
(Proposed B.M Certified Area)

FM 51

CP&L

CP&L & B.M.

CP&  
&  
B.M.

CP&L & B.M

OLD ALICE ROAD

CP&L  
&  
B.M.

CP&L & B.M.

CP&L

CP&L

CP&L

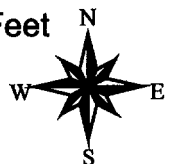
CP&L  
&  
BM

### LEGEND

- EXISTING BM (BPUB) CERTIFIED AREA
- EXISTING M.V.E.C. CERTIFIED AREA
- EXISTING CP&L CERTIFIED AREA
- EXISTING BM (BPUB) & CP&L CERTIFIED AREA
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- EXISTING CP&L TRANSMISSION LINE
- EXISTING CP&L DISTRIBUTION LINE
- EXISTING BM (BPUB) DISTRIBUTION LINE
- PROPOSED BM(BPUB)DISTRIBUTION LINE

EXISTING BM CITY LIMITS

2000 0 2000 4000 Feet



**OVERSIZED MAP(S)**

**TO VIEW OVERSIZED MAP(S),  
PLEASE GO TO  
CENTRAL RECORDS.**

**(512) 936-7180.**