



Control Number: 42923



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DOCKET NO. 42923

**APPLICATION OF THE CITY OF
EDCOUCH TO OBTAIN A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HIDALGO
COUNTY (37789-C)**

**§ PUBLIC UTILITY COMMISSION
§
§
§ OF
§
§ TEXAS
§**

COMMISSION STAFF'S COMMENTS ON STATUS

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Comment on Status, and would show the following:

I. BACKGROUND

On June 28, 2013, the City of Edouch (Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an application to obtain a sewer Certificates of Convenience and Necessity (CCN) in Hildago County, Texas, pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254, 13.301 and 30 TEX. ADMIN. CODE § 291.109.¹ On November 26, 2013, the TCEQ accepted the application for filing, and directed the Applicant to provide the TCEQ revised public notices. On January 27, 2014, the Applicant filed with the TCEQ affidavits that it sent notice to all affected parties on January 24, 2014. On March 6, 2014, the TCEQ informed the Applicant that the application met the criteria of 30 TAC §291.102.² On July 24, 2014, the TCEQ sent Applicant a proposed map for the Applicant to approve by written consent.

The application was received by the Public Utility Commission of Texas (Commission) on September 19, 2014. The Applicant filed with the Commission its signed consent of the proposed map on November 26, 2014. On November 5, 2014, the administrative law judge issued Order No. 2 requiring that, on or before December 15, 2014, Commission Staff file an update on the status of this proceeding, and if appropriate, propose a procedural schedule for processing. Accordingly, this pleading is timely filed.

¹ Currently P.U.C. SUBST. R. 24.109.

² Currently P.U.C. SUBST. R. 24.102

II. SUFFICIENCY OF THE APPLICATION

Based on the forgoing facts as well as the attached memorandum of Heidi Graham, Staff Engineer for the Water Utilities Division, Staff finds that the Applicant has met all the required criteria in its application to obtain a CCN, pursuant to TWC. §§ 13.246(c), 13.254, 13.301 and 30 P.U.C. SUBST. R. 24.109. Staff finds that the Applicant has shown the financial, managerial, and technical capability to provide continuous and adequate service to every customer in the area proposed, as required by TWC §13.241; and certification of Applicant is necessary for the service, accommodation, convenience, or safety of the public, pursuant to TWC §13.246. Staff therefore recommends final approval of the application. Staff will file a joint proposed order no later than **January 21, 2014**.

III. CONCLUSION

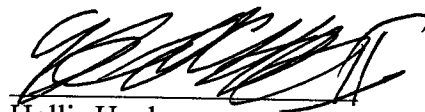
Staff respectfully requests that the Administrative Law Judge issue an order consistent with this Response.

Dated: December 15, 2014

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

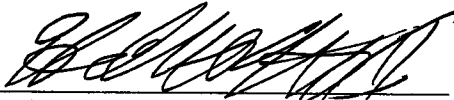


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 15, 2014, in accordance with P.U.C. Procedural Rule 22.74.


Hollis Henley

Public Utility Commission of Texas

Memorandum

TO: Hollis Henley
Legal Division

THRU: Tammy Benter, Director
Water Utilities Division

FROM: Heidi Graham
Water Utilities Division

SUBJECT: Staff Recommendation for Commission Approval of Docket No. 42923

DATE: December 5, 2014

On June 28, 2013, The City of Edcouch (Applicant) applied to obtain a sewer Certificate of Convenience and Necessity (CCN), in Hidalgo County, Texas.

Staff finds that the Applicant meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations. Staff further finds that approving this application to grant new sewer CCN No. 21077 to the Applicant is necessary for the service, accommodation, convenience and safety of the public.

I have reviewed the application, closing documents, and all other filings in this docket. The notice complied with the requirements of Texas Water Code Section 13.246 and P.U.C. Substantive Rule 24.106 and was sufficient to place affected persons on notice regarding the application.

Applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service to every customer in the area proposed to be included in its certificated area, as required by Section 13.241 of the Texas Water Code. The certification of Applicant is necessary for the service, accommodation, convenience, or safety of the public, as required by Section 13.246 of the Code.

Accordingly, Staff recommends approval of the application.

TB/HG