



Control Number: 42934



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DOCKET NO. 42934

**APPLICATION OF MANVILLE
WATER SUPPLY CORPORATION
AND LAKESIDE WATER CONTROL
IMPROVEMENT DISTRICT 2C FOR
APPROVAL OF A SERVICE
AGREEMENT IN TRAVIS COUNTY
(37795-C)**

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 7 AND SUPPLEMENTAL
RECOMMENDATION ON THE APPLICATION**

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Response to Order No. 7 and Supplemental Recommendation on the Application. In support of its Response, Staff states the following:

I. BACKGROUND

On November 18, 2013, Lakeside Water Control Improvement District 2C (Lakeside WCID 2C) and Manville Water Supply Corporation (Manville WSC) (collectively, Applicants) filed an application with the Texas Commission on Environmental Quality (TCEQ) for approval of agreements pursuant to Tex. Water Code Ann. § 13.248. Lakeside WCID 2C, Registration No. P1333, and Manville WSC, water Certificate of Convenience and Necessity (CCN) No. 11144, provide retail water service in Travis County, Texas.

On September 4, 2015, the ALJ issued Order No. 7 finding that application remained incomplete and deficient and ordering Staff to file a supplemental recommendation on administrative completeness of the amended application and notice along with a proposed procedural schedule, if appropriate, by November 2, 2015. This Response is timely filed.

II. STAFF'S SUPPLEMENTAL RECOMMENDATION ON THE APPLICATION

On October 11, 2015, Lakeside WCID 2C submitted additional mapping documents in response to Order No. 7. As shown in the memo (Attachment A) of Mary Lupo and Tracy Montes in the Commission's Water Utilities Division, Staff has reviewed the additional mapping documents provided by Lakeside WCID 2C and recommends that the mapping information remains deficient. Specifically, the revised digital data does not include the complete details of the

datum and coordinate system used to create their drawing (.dwg) formatted file. The Applicant did not submit the entire shapefile, which is made up of six files including a .dbf, .shp, .shx, .sbx, .sbn and the projection (.prj) file. Therefore, Staff is unable determine if the proposed water and sewer service areas is accurately located as shown on the large scale map. Also, staff is unable to determine if the digital data was revised to remove the overlap with the corporate boundaries of the City of Pflugerville.

In order to resolve the mapping deficiencies, Staff recommends that the Applicants file revised digital data in a drawing (.dwg) or shapefile (.shp) file format only delineating the proposed service area for Lakeside WCID 2C after removing the overlap with the City of Pflugerville's corporate boundaries on a data disk (CD). If submitting a .dwg formatted file, Staff recommends that the Applicants include the world (WLD) file or text file including the details for the coordinate system and datum used to create the file. If submitting a .shp formatted file, Staff recommends that the Applicant include the projection (.prj), which includes the details for the coordinate system and datum used to create the file. Staff further recommends that the digital data must be submitted on a data disk (CD) as a single polygon in a .dwg or .shp format, which corresponds to the same proposed water and sewer service area as shown on the large scale map submitted on October 1, 2015, and that the Applicants file the required number of CDs.

Additionally, in order to allow Staff to complete the technical review of the application, Staff notes that the Applicants should file documentation signed by the City of Pflugerville agreeing to decertify a portion of their sewer CCN No. 20678 and documentation signed by the LCRA allowing Lakeside WCID 2C to provide retail water and sewer service within LCRA's district boundaries.

In order to allow Staff to perform its review of the application, Staff requests that the Applicants cure the identified deficiencies by submitting the information requested above. Staff recommends that the Applicants be given until **December 9, 2015** to provide the requested information. Staff proposes to file a supplemental recommendation on the application by **January 7, 2016**.

III. CONCLUSION

For the reasons stated above, Staff recommends that the application remains deficient. Staff respectfully requests that the Applicants amend the application by providing the requested information by **December 9, 2015**. Staff proposes to file a supplemental recommendation on the

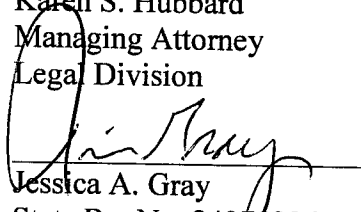
application by **January 7, 2016**. Staff respectfully requests that an order be issued reflecting this Response.

Date: November 2, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

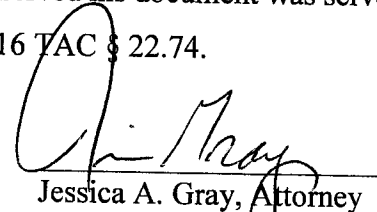


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CERTIFICATE OF SERVICE

I certify that a copy of this document was served his document was served on all parties of record on November 2, 2015 in accordance with 16 TAC § 22.74.



Jessica A. Gray, Attorney

ATTACHMENT A

PUC Memorandum

TO: Jessica Gray, Attorney
Legal Division

FROM: Mary Lupo, Financial Analyst
Tracy Montes, GIS Specialist
Water Utilities Division

THRU: Tammy Benter, Director
Water Utilities Division

DATE: October 28, 2015

RE: Docket No. 42934: *Application of Manville Water Supply Corporation and Lakeside Water Control and Improvement District 2C for Approval of a Service Agreement in Travis, County (37795-C)*

On November 18, 2013, Lakeside Water Control Improvement District 2C (Lakeside WCID 2C or Applicant) and Manville Water Supply Corporation (Manville WSC) filed a Contract Service Agreement with the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Water Code, Section 13.248.

On May 22, 2015, Lakeside WCID 2C filed an amended application to obtain water and sewer Certificates of Convenience and Necessity (CCN) in Travis County. The application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.242- 13.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-24.107.

After review of the data filed by the Applicant on October 1, 2015, Staff finds the application is insufficient and recommends the application be found administratively incomplete. Staff recommends the Applicant correct the following deficiencies:

Mapping

The Applicant's revised digital data does not include the complete details of the datum and coordinate system used to create their drawing (.dwg) formatted file. The Applicant did not submit the entire shapefile, which is made up of six files including a .dbf, .shp, .shx, .sbx, .sbn and the projection (.prj) file. Therefore, Staff is unable determine if the proposed water and sewer service areas is accurately located as shown on the large scale map. Also, staff is unable to determine if the digital data was revised to remove the overlap with the corporate boundaries of the City of Pflugerville.

Staff recommends that the Applicant submit the following to resolve the mapping deficiencies:

- Revised digital data in a drawing (.dwg) or shapefile (.shp) file format only delineating the proposed service area for Lakeside WCID 2C after removing the overlap with the City of Pflugerville's corporate boundaries on a data disk (CD). Submit seven copies of the CD.
 - a. If submitting, a .dwg formatted file, please include the world (WLD) file or text file including the details for the coordinate system and datum used to create the file.
 - b. If submitting a .shp formatted file, please include the projection (.prj), which includes the details for the coordinate system and datum used to create the file.
 - c. Provide the digital data on a CD as a single polygon in a .dwg or .shp format, which

corresponds to the same proposed water and sewer service area as shown on the large scale map submitted on October 1, 2015.

Technical Review

The items listed below will be addressed during Staff's technical review of the application. Failure to provide the requested information may delay processing of the application.

- Submit a signed agreement to decertify a portion of the City of Pflugerville's sewer CCN No. 20678.
- Submit written documentation from LCRA allowing Lakeside WCID 2C to provide retail water and sewer service within their district boundary.