

Control Number: 42934



Item Number: 31

Addendum StartPage: 0

DOCKET NO. 42934

RECEIVED

2016 APR 19 PM 2:20

PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

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

**COMMISSION STAFF'S RECOMMENDATION THAT  
APPLICATION BE FOUND ADMINISTRATIVELY COMPLETE**

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 11. In support thereof, Staff shows the following:

**I. BACKGROUND**

On November 18, 2013, Lakeside Water Control Improvement District 2C and Manville Water Supply Corporation (collectively, Applicants) filed an application for approval of a Contract Service Agreement. The application is being reviewed pursuant to Texas Water Code §§ 13.242-13.250 and 16 Tex. Admin. Code §§ 24.101-24.107.

On April 1, 2016, the Administrative Law Judge issued Order No. 11, which requires Staff to file a recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule, if appropriate, on or before April 19, 2016. Therefore, this pleading is timely filed.

**II. STAFF RECOMMENDATION**

As detailed in the attached Staff memorandum from Mary Lupo and Tracy Montes, in the Commission's Water Utilities Division, Staff has reviewed the application and finds that Applicants have cured all application and mapping deficiencies. Therefore, Staff recommends the application be deemed administratively complete and Applicants provide notice as outlined in the attached Staff memorandum.

### III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends adoption of the following proposed procedural schedule:

Event	Date
Deadline for the Applicants to file a copy of the actual notices issued, the map issued with the individual mail notices, tear sheets of the newspaper notice published, and signed affidavits of notice.	May 20, 2016
Deadline for Intervention; deadline for intervenors to file comments or request a hearing on the merits.	30 days of mailing or publication of notice, whichever occurs later
Deadline for Staff to file a supplemental procedural schedule. <sup>1</sup>	June 10, 2016

### IV. CONCLUSION

For the reasons stated above and in the attached Staff memorandum, Staff recommends that the application be deemed administratively complete and requests the adoption of Staff's proposed procedural schedule. Staff further recommends that Applicants provide notice as specifically stated in Staff's memorandum.

---

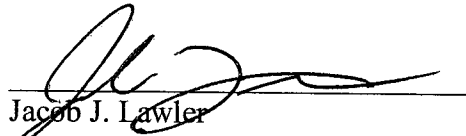
<sup>1</sup> Staff is not able to set additional deadlines, such as deadline for Staff to file a final recommendation or request for hearing, until the Applicants file the affidavits of notice specifying when notice was complete.

**Date: April 19, 2016**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

  
\_\_\_\_\_  
Jacob J. Lawler  
Attorney - Legal Division  
State Bar No. 24076502  
(512) 936-7275  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 19, 2016 in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Jacob J. Lawler

## PUC Interoffice Memorandum

---

**TO:** Jacob Lawler, Attorney  
Legal Division

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

**THRU:** Tammy Benter, Director  
Water Utilities Division

**DATE:** April 15, 2016

**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 (TWC), 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 TWC §§ 13.242- 13.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-24.107

Staff recommends that the application be deemed sufficient for filing and that the Applicant issue the attached notices as directed below:

1. Applicant must provide notice to the following entities located within a 5-mile buffer of the proposed water and sewer service areas requested in this application in accordance with 16 TAC § 24.106(b)(1):
  - Aqua WSC (CCN No. 10294)
  - City of Austin (CCN Nos. 11322, 20636)
  - City of Pflugerville (CCN Nos. 11303, 20678)
  - City of Hutto (CCN Nos. 10321, 20122)
  - City of Round Rock (CCN Nos. 11047, 20421)
  - Jonah Water SUD (CCN Nos. 10970, 21053) and District ID 5110000)
  - Kelly Lane Utility Co. Inc. (CCN No. 20720)
  - Manville WSC (CCN No. 11144)
  - Round Rock Ranch PUD Co., Inc. (CCN Nos. 12797, 20805)
  - Windermere Utility Co. Inc. (CCN Nos 11471, 20542)
  - Brazos River Authority (District ID 168500)
  - Kelly Lane WCID 1 of Travis County (District ID 5189932)
  - Kelly Lane WCID 2 of Travis County (District ID 5189966)
  - Lakeside MUD 3 (District ID 5312000)

- Lakeside MUD 5 (District ID 5312250)
  - Lakeside MUD 6 (District ID 5312500)
  - Lakeside WCID 1 (District ID 5314200)
  - Lakeside WCID 2-A (District ID 5319000)
  - Lakeside WCID 2-B (District ID 5321250)
  - Lakeside WCID 2-D (District ID 5322938)
  - Lower Colorado River Authority (District ID 5460000)
  - New Sweden MUD 1 (District ID 5953750)
  - New Sweden MUD 2 (District ID 5953875)
  - Northeast Growth Corridor WSI & District 1 (District ID 5980250)
  - Northeast Growth Corridor WSI & District 2 (District ID 5980275)
  - Northeast Travis County Utility District (District ID 5982825)
  - Northtown MUD (District ID 6013100)
  - Siena MUD 1 (District ID 7572400)
  - Travis County MUD 15 (District ID 7823463)
  - Travis County MUD 17 (District ID 7822366)
  - Upper Brushy Creek WCID (District ID 8100500)
  - Williamson County MUD 22 (District ID 8664375)
  - Williamson County Water Sewer Irrigation & Drainage District 3 (District ID 8669500)
  - Williamson County WCID 2 (District ID 8667500)
  - Travis County
2. Provide the correct notice of the application to the following in accordance with 16 TAC §24.106(b) and (c):
- a) any districts, utilities and cities within (5) miles of the proposed service area;
  - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
  - c) county judge of each county;
  - d) any groundwater conservation district that is wholly or partly included in the proposed area;
  - e) landowners with more than 25 acres and any affected parties in the proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county in which the proposed CCN area lies;
  - f) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County.
3. Include a copy of a map showing the proposed service areas with the individual notices to neighboring utilities, customers and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed service areas with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>

Within 30 days of the Commission order, the Applicant should file a copy of the actual notice and map issued with the individual mailed notice, tearsheets of the published notice, and the signed affidavits (copies attached), indicating that the publication and notice was given in accordance with 16 TAC § 24.106(b)(6) and § 24.106(c).

**Technical Review**

The Applicant must submit written documentation from the City of Pflugerville agreeing to decertify a portion of their sewer CCN No. 20678.

## *Notice for Publication*

### NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN TRAVIS COUNTY, TEXAS

Lakeside Water Control and Improvement District 2C has filed an application with the Public Utility Commission of Texas to obtain water and sewer CCNs, to decertify a portion of the City of Pflugerville's sewer CCN No. 20678, and to decertify a portion of Manville Water Supply Corporations water CCN No. 11144 in Travis County.

The proposed water and sewer service area is located approximately 3.8 miles northeast of downtown Pflugerville, Texas, and is generally bounded on the north by County Road 138; on the east by .25 mile east of intersection County Road 137 and Rowe Lane.; on the south by intersection of Grail Hollows Rd. and Brean Down Rd.; and on the west by Winding Shore Lane.

The proposed water and sewer area is approximately 407 total acres which includes 446 current customers.

A copy of the proposed service area map is available at: 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice



was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

## Notice to Neighboring Systems, Landowners and Cities

### NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN TRAVIS COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_, 2016  
(Name of Neighboring systems, landowners, cities)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Lakeside Water Control and Improvement District 2C has filed an application with the Public Utility Commission of Texas to obtain water and sewer CCNs, to decertify a portion of the City of Pflugerville's sewer CCN 20678, and to decertify a portion of Manville Water Supply Corporations water CCN 11144 in Travis County.

The proposed water and sewer service area is located approximately 3.8 miles northeast of downtown Pflugerville, Texas, and is generally bounded on the north by County Road 138; on the east by .25 mile east of intersection County Road 137 and Rowe Lane.; on the south by intersection of Grail Hollows Rd. and Brean Down Rd.; and on the west by Winding Shore Lane.

The proposed water and sewer area is approximately 407 total acres which includes 446 current customers.

See enclosed map of the proposed service area.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement

is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. 42934

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities:

DATE

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is,  
owner, member of partnership, title of officer of corporation, or other authorized representative of  
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am  
personally familiar with the notices given with this application, and have complied with all notice  
requirements in the application and application acceptance letter; and that all such statements made  
and matters set for therein are true and correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the affiant to this form is any person other than the sole owner, partner, officer of the applicant,  
or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



## PUBLISHER'S AFFIDAVIT

DOCKET NO. 42934

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me

duly sworn, deposes and that (s)he is the \_\_\_\_\_

(TITLE)

of the \_\_\_\_\_

(NAME OF NEWSPAPER)

that said newspaper is regularly published in: \_\_\_\_\_

(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_

(COUNTY/COUNTIES)

, Texas: and

that the attached notice was published in said newspaper on the following date(s), to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_