



Control Number: 42935



Item Number: 47

Addendum StartPage: 0

RECEIVED

APPLICATION OF MANVILLE §
 WATER SUPPLY CORPORATION §
 AND LAKESIDE WATER CONTROL §
 IMPROVEMENT DISTRICT 2D FOR §
 APPROVAL OF A SERVICE §
 AGREEMENT IN TRAVIS COUNTY §
 (37792-C) §

PUBLIC UTILITY COMMISSION

2016 SEP 30 PM 1:38
 PUBLIC UTILITY COMMISSION
 FILING CLERK

**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. 17. In support thereof, Staff shows the following:

I. BACKGROUND

On September 7, 2016, the Administrative Law Judge issued Order No. 17, which requires Staff to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule, if appropriate, on or before September 30, 2016. Therefore, this pleading is timely filed.

II. STAFF RECOMMENDATION

Staff has reviewed the Applicants' amended application. Based on this review, Staff recommends that the application be deemed administratively complete, as specifically described in the attached memorandum of Patricia Garcia and Tracy Montes, of the Commission's Water Utilities Division. Staff further recommends that Applicants provide notice as described 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	30 days from the date of the order directing Lakeside WCID 2D to provide notice
Deadline for Staff to file an updated procedural schedule	10 days after the deadline for Lakeside WCID 2D to file proof of notice
Deadline to intervene	30 days after notice is issued

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 described in the attached Staff memorandum.

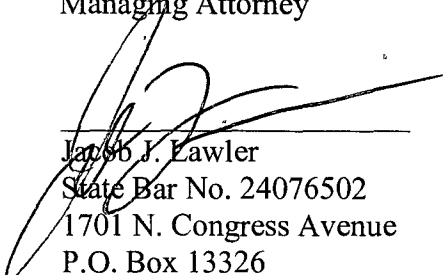
Date: September 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

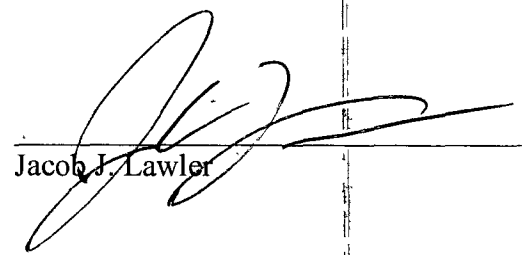
Stephen Mack
Managing Attorney



Jacob J. Lawler
State Bar No. 24076502
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7275
(512) 936-7268 (facsimile)

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 30, 2016 in accordance with 16 TAC § 22.74.



Jacob J. Lawler

PUC Interoffice Memorandum

TO: Jacob Lawler, Attorney
Legal Division

FROM: Patricia Garcia, Engineering Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

THRU: Tammy Benter, Director
Lisa Fuentes, Manager
Heidi Graham, Manager
Water Utilities Division

DATE: September 30, 2016

RE: **Docket No. 42935:** *Application of Manville Water Supply Corporation and Lakeside Water Control and Improvement District 2D for Approval of a Service Agreement in Travis, County (37795-C)*

On November 18, 2013, Lakeside Water Control Improvement District 2D (Lakeside WCID 2D 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 2D 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

A Staff review of the additional information filed by the Applicant found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the following:

1. The Applicant be ordered to provide notice of the application to the following::
 - a) any districts, utilities and cities within (5) miles of the proposed CCN service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed CCN service areas;
 - c) county judge of each county;
 - d) any groundwater conservation district that is wholly or partly included in the proposed CCN service areas;
 - e) landowners with more than 25 acres and any affected parties in the proposed CCN service areas. The landowner information may be obtained from the county appraisal district tax rolls for the county in which the proposed CCN service areas lies;
 - f) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County.
2. The Applicant should provide correct notice of the application to the following entities::
 - Aqua WSC (CCN No. 10294)
 - City of Austin (CCN Nos. 11322, 20636)

- City of Hutto (CCN Nos. 10321, 20122)
- City of Manor (CCN No. 20378)
- City of Pflugerville (CCN Nos. 11303, 20678)
- City of Round Rock (CCN Nos. 11047, 20421)
- Jonah Water SUD (CCN Nos. 10970, 21053)
- Kelly Lane Utility (CCN No. 20720)
- Lakeside WCID 1 (CCN Nos. 13243, 21092)
- Lakeside WCID 2A
- Lakeside WCID 2B (CCN Nos. 13244, 21093)
- Lakeside WCID 2C
- Manville WSC (CCN No. 11144)
- Manor Village WWTP (CCN No. 20873)
- Windermere Utility Co. Inc. (CCN Nos 11471, 20542)
- Brazos River Authority
- Cottonwood Creek WCID
- Kelly Lane WCID 1 of Travis County
- Kelly Lane WCID 2 of Travis County
- Lakeside MUD 3
- Lakeside MUD 5
- Lakeside MUD 6
- Lower Colorado River Authority
- New Sweden MUD 1
- New Sweden MUD 2
- New Sweden MUD 3
- Northeast Growth Corridor WSI & District 1
- Northeast Growth Corridor WSI & District 2
- Northeast Travis County Utility District
- Northtown MUD
- Travis County MUD 15
- Travis County MUD 17
- Upper Brushy Creek WCID
- Wilbarger Creek MUD 2
- Williamson County MUD 22
- Williamson County Water Sewer Irrigation & Drainage District 3
- Williamson County WCID 2
- Travis County Judge

3. Include a copy of a map showing the proposed CCN 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 CCN 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).

Notice for Publication

**NOTICE OF APPLICATION TO OBTAIN WATER AND SEWER CERTIFICATES
OF CONVENIENCE AND NECESSITY (CCN) IN TRAVIS COUNTY, TEXAS**

Lakeside Water Control and Improvement District (WCID) 2D has filed an application with the Public Utility Commission of Texas to obtain water and sewer Certificates of Convenience and Necessity and to decertify portions of the City of Pflugerville's sewer CCN No. 20678 and Manville WSC's water CCN No. 11444 in Travis County.

The proposed water and sewer CCN service areas is located approximately 4.5 miles northeast of downtown Pflugerville, Texas. There are two areas being requested in this application. The area to the North is generally bounded on the north by Speidel Drive; on the east by Hodde Lane; on the south by Cele Road; and on the west by Jackies Ranch Blvd. The area to the South is generally bounded on the north by Cele Road; on the east by Melber Lane; on the south by Jesse Bohls Drive; and on the west by Weiss Lane.

The proposed water and sewer CCN service areas being requested includes approximately 307 total acres and 738 current customers:

A copy of the proposed CCN 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 CCN service 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 CCN 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 CCN service areas 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 and Cities

**NOTICE OF APPLICATION TO OBTAIN WATER AND SEWER CERTIFICATES
OF CONVENIENCE AND NECESSITY (CCN) IN TRAVIS COUNTY, TEXAS**

To: _____
(Neighboring System or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2016

Lakeside Water Control and Improvement District (WCID) 2D has filed an application with the Public Utility Commission of Texas to obtain water and sewer Certificates of Convenience and Necessity and to decertify portions of the City of Pflugerville's sewer CCN No. 20678 and Manville WSC's water CCN No. 11444 in Travis County.

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The proposed water and sewer CCN service areas being requested includes approximately 307 total acres and 738 current customers.

See enclosed map of the proposed CCN 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.

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Austin, TX 78711-3326

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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, the 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 CCN service area, you may request to be excluded from the proposed CCN service 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.

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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 CCN service area must also be sent to the applicant. Staff may request additional information regarding your request.

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 42935

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice
to the following entities and landowners:

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 applicant 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. 42935

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

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, 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 _____