

Control Number: 43041



Item Number: 21

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DOCKET NO. 43041

**APPLICATION OF THE CITY OF
DORCHESTER TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN GRAYSON
COUNTY (37917-C)**

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PUBLIC UTILITY COMMISSION

2015 NOV 17 PM 1:51

**PUBLIC UTILITY COMMISSION
FILING CLERK**

TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 10

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 10. In support thereof, Staff would show the following:

I. BACKGROUND

On May 5, 2014, the City of Dorchester (Applicant or Dorchester) filed with the Texas Commission on Environmental Quality (TCEQ) an application (Application) to amend water Certificate of Convenience and Necessity (CCN) No. 12013 and decertify a portion of CCN 10150 in Grayson County pursuant to Tex. Water Code §§ 13.242 thru 13.250 (TWC) and 16 Tex. Admin. Code §§ 24.101 thru 24.107 (TAC). The Application was received by the Commission on October 1, 2014.

Order No. 9 deemed the Application insufficient and allowed the Applicant until October 2, 2015 to provide supplemental information requested by Staff. The Applicant filed supplemental documents on October 2, 2015. Order No. 10 allowed Staff until September 9, 2015 to file a supplemental recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As detailed in the memorandum (Attachment A) of Mary Lupo and Tracy Harbour of the Water Utilities Division, Staff recommends the Application be deemed sufficient for filing and the Applicant be instructed to issue notice. Attachment A includes instructions for providing notice. Attachment B contains sample draft notices and affidavit forms.

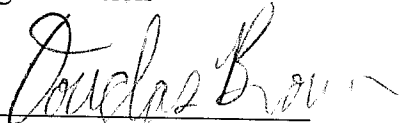
III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

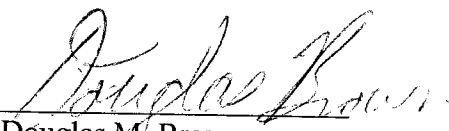
Stephen Mack
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Legal Division



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State Bar No. 24048366
(512) 936-7602
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 43041 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 17, 2015 in accordance with 16 TAC § 22.74.



Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Doug Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Mary Lupo, Financial Analyst
Water Utilities Division

Date: November 2, 2015

Subject: Docket No. 43041, *Application for City of Dorchester to Amend its Certificate of Convenience and Necessity (CCN) No. 12013 in Grayson County.*

On May 1, 2014, the City of Dorchester (Applicant) filed an application with Texas Commission on Environmental Quality (TCEQ) to amend its CCN in Tarrant County pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC) Chapter 291. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. 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.

In response to Order No. 9, the Applicant filed supplemental information on October 2, 2015. Staff has reviewed the supplemental information and finds that it sufficient for filing. Staff recommends following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
 - a) any districts, utilities and cities within two (2) 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 Grayson County.
2. The Applicant should include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area 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/>
3. In addition to those entities listed in the application, the Applicant must also notice the following entities located within a 2-mile buffer of the proposed service area:
 - City of Howe (11011)
 - City of Sherman (10203)

- Luella WSC (10179)
- Marilee SUD (10150)
- Choctaw Watershed WID
- Greater Texoma Utility Authority
- Kings Crossing MUD
- Red River Authority of Texas
- Red River GCD
- Grayson County

4. File a copy of the actual notice sent with the attached signed affidavit and a copy of the map that notice was given.

Technical Review: The items listed below will be addressed during Staff's technical review of the application. The Applicant needs to submit written documentation from the following districts allowing the Applicant to provide retail water service within their district boundaries. Failure to provide the requested information may delay processing of the application.

- Kings Crossing MUD
- Red River Authority of Texas

ATTACHMENT B

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN GRAYSON COUNTY, TEXAS

The City of Dorchester has filed an application with the Public Utility Commission of Texas to amend/decertify a portion its water Certificate of Convenience and Necessity in Grayson County.

The proposed utility service area is located approximately **2 miles southeast of the downtown Dorchester, Texas**, and is **generally** bounded on the north by **approximately 400 ft. north of McBee Road**; on the east by **approximately 500 ft. east of Farmington Road**; on the south by **the Hall Cemetery Road**; and on the west by **Mackery Road**.

The water service area being decertified is approximately 370 acres which includes 1 current customer.

A copy of the proposed service area map is available at: City of Dorchester; 373 Main Street, Dorchester, Texas 75459 or by calling (903) 476-2443.

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.

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

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN GRAYSON COUNTY, TEXAS

To: _____
(Name of Neighboring systems, cities)

(Address)

(City State Zip)

Date Notice Mailed: ____, 2015

City of Dorchester has filed an application with the Public Utility Commission of Texas to amend/decertify a portion of its water Certificate of Convenience and Necessity in Grayson County.

The proposed utility service area is located approximately **2 miles southeast of the downtown Dorchester, Texas**, and is generally bounded on the north by **approximately 400 ft. north of McBee Road**; on the east by **approximately 500 ft. east of Farmington Road**; on the south by **the Hall Cemetery Road**; and on the west by **Mackery Road**.

The water service area being decertified is approximately 370 acres which includes 1 current customer.

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.

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

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

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 _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND CITIES
DOCKET NO. _____

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 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 _____