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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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COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Commission Staff's Recommendation on Sufficiency, and 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 in County pursuant to TEX. WATER CODE ANN. §§ 13.242 thru 13.250 and 30 TEX. ADMIN. CODE §§ 291.101 thru 291.107.¹ The Application was received by the Commission on October 1, 2014. On December 12, 2014 in Staff's Response to Order No. 2, Staff requested additional time to review the mapping associated with the Application. In Order No. 3, the Administrative Law Judge (ALJ) allowed Staff until February 10, 2015 to file a status update or make a recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY

As detailed in the attached memorandum of George Gonagas and Tracy Harbor (Attachment A) of the Water Utilities Division, Staff recommends that the Application be deemed insufficient, but recommends that the Applicant be given additional time to cure the Application's noted deficiencies. When Staff reviewed the mapping, Staff discovered the proposed CCN area overlaps with an existing CCN. Attachment A list what Applicant could do

¹ Currently P.U.C. SUBST. Rs. 24.101 thru 24.107

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to remedy the overlap. Therefore, Staff recommends that Applicant be given until March 12, 2015 to cure the deficiencies, or Staff may request dismissal. Staff proposes that it file a status update or recommendation on this matter by April 10, 2015.

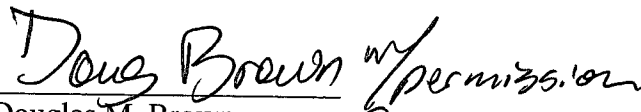
III. CONCLUSION


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

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division


Douglas M. Brown
Attorney-Legal Division
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DOCKET NO. 43041
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 10, 2015 in accordance with P.U.C. Procedural Rule 22.74.

Doug Brown w/permission
Douglas M. Brown
Stephen M. Mace

Attachment A

(Subject Matter Expert's Memorandum)

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: George Gogonas, Utility Rates Analyst/Auditor
Water Utilities Division

Tracy Harbour, GIS Specialist
Water Utilities Division

Date: February 6, 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 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.

Staff's review of the application revealed the following concerns:

1. The Applicant's digital data results in a slight overlap with the City of Howe's (CCN No. 11011) on the east side of their proposed CCN. Since the City of Howe is not subject to this application, the applicant should submit the following to address this overlap.
 - a. Submit digital data removing the overlap.
 - b. Suggest Applicant obtain PUC's official CCN digital data to help remove the overlap.
2. The Applicant should submit an agreement for the partial overlap with Marilee SUD's (CCN No. 10150) CCN facilities + 200 feet;
3. If the Applicant, is unable to obtain an agreement for partial overlap with Marilee SUD, Staff would need revised maps and digital data removing the overlap with Marilee SUD;
4. The Applicant should not notice until the Applicant obtains an agreement to amend Marilee SUD's CCN to allow for dual certification.