

Control Number: 43156



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DOCKET NO. 43156

**APPLICATION OF TRI-COUNTY
SPECIAL UTILITIES DISTRICT TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
FALLS, LIMESTONE, MCLENNAN AND
ROBERTSON COUNTIES (37828-C)**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**
FILING CLERK

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 11

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

I. BACKGROUND

On January 7, 2014, Tri-County Special Utilities District filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend a Water Certificate of Convenience and Necessity in McLennan, Falls, Limestone, and Robertson Counties, Texas. The application was received by the Public Utility Commission of Texas (Commission) on September 18, 2014.

Order No. 11 allowed Staff until November 6, 2015 to make a recommendation and provide a procedural schedule. This pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY

As noted in the memorandum of Tracy Montes and Fred Bednarski (Attachment A) of the Water Utilities Division, Staff recommends that the Application remains deficient and the Applicant should be allowed additional time to cure the noted deficiencies. Attachment A makes recommendations on additional mapping information Staff needs for its review. Therefore, Staff recommends the Applicant be allowed until January 5, 2016 to submit additional information and Staff be allowed until February 5, 2016 to make a supplemental recommendation and provide an additional procedural schedule.

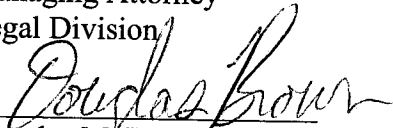
III. CONCLUSION

For the reasons stated above, Staff respectfully requests the entry of an order consistent with Staff's recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division


Stephen Mack
Managing Attorney
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DOCKET NO. 43156
CERTIFICATE OF SERVICE

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



Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Doug Brown
Legal Division

Thru: Lisa Fuentes, Team Leader
Water Utilities Division

From: Fred Bednarski III, Financial & Managerial Review Specialist
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: November 02, 2015

Subject: Docket No. 43156, *Application of TRI-County Special Utilities District to amend Water Certificate of Convenience and Necessity (CCN) No. 10054 in Falls, Limestone, McLennan, and Robertson Counties*

On January 7, 2014, Tri-County Special Utility District (Tri-County SUD or Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an application (Application) to amend its water certificate of convenience and necessity (CCN) No. 10054 in Falls, Limestone, McLennan, and Robertson Counties pursuant to Tex. Water Code Ann. (TWC) §§ 13.246(c), 13.254 and 30 Tex. Admin. Code § 291.113.1 In a letter dated May 16, 2014, TCEQ accepted the Application for filing and addressed mapping and CCN overlap issues requiring more information from the utility that have yet to be resolved. 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 now being reviewed pursuant to 16 Tex. Admin. Code §§ 24.102 through 24.105 (TAC) and TWC § 13.246(c).

In response to Order No. 9, TRI-County SUD submitted supplemental information on October 2, 2015. Staff has reviewed the information and recommends the application be found deficient and insufficient for filing:

Mapping:

The Applicant's revised maps and digital data do not meet PUC's mapping requirements. The large scale maps submitted should only show the proposed water service areas (facility lines) and should not show any surrounding water CCNs, unless otherwise instructed by Staff. The large scale maps showing both the proposed facility lines and existing CCNs were requested by staff to clarify the agreements for dual certification with the City of Marlin, City of Riesel, City of Waco and Perry WSC.

In the case of the Overall System Map (small scale map), the map attempts to display both the existing and proposed facility lines. Although this map is useful for making sense of the extensive network of all the proposed water facility lines being requested, the map did not include a legend and staff could not distinguish the proposed facility lines from the existing facility lines.

The proposed digital data submitted was not useable since the data did not include the details for the coordinate system and datum used to create the .dwg file. The numerous records did not

clearly identify the proposed facility lines from the base map layers included in the .dwg file. The proposed facility lines provided in the digital data must be clearly labeled as the proposed facility line records. Therefore, Staff is unable to fully evaluate whether or not the applicant's digital data and hard copy maps represent the same proposed facility lines being requested for this application.

The Applicant must submit the following items to resolve the mapping deficiencies:

1. Revised large scale maps showing only the proposed facility lines with enough detail to accurately locate the facility lines in the vicinity of surrounding roads, streets, highways, and rivers.
 - a. Please display the proposed facility lines in a color that stands out next to the surrounding roads, streets and highways.
 - b. Do not show any existing CCN service areas or facility lines on this map.
 - c. Add a legend clearly identifying the color and line used for the proposed facility lines.
 - d. Add the buffer distance used to buffer each proposed facility line next to the color and line used for the buffer. Use a different color for the buffer lines, than the proposed facility lines.
2. Revised small scale (general location) map showing only the proposed facility lines with enough detail to accurately locate the facility lines in the vicinity of the nearest town, city or county.
 - a. This map must not show any existing CCNs, including Tri County SUD's existing CCN service area or facility lines.
 - b. Include a legend clearly identifying the color and line used for the proposed facility lines.
3. An additional revised small scale (general location) map showing both the proposed facility lines with the existing CCN service areas and CCN facility lines for Tri County SUD with enough detail to accurately locate both in the vicinity of the nearest town, city or county.
 - a. Add a legend clearly identifying both the proposed facility lines from the existing facility lines for Tri County SUD. The colors used for the proposed and existing facility lines must be easily differentiated from each other, unlike the maps submitted on October 2, 2015.
 - b. Add a legend item for the proposed facility line buffer including the associated color, line width and buffer distance used to buffer the proposed facility lines.
 - c. Add a legend item for the existing facility line buffer including the associated color, line width and buffer distance used to buffer the proposed facility lines.
4. Revised digital data in a drawing (.dwg) or shapefile (.shp) file format only showing the proposed water facility lines requested with this application. Submit seven copies of the data disk (CD) including the utility name and docket number assigned to this docket.
 - 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.
5. The original, color copy of the agreement map (Exhibit A) as referenced in the agreement for dual certification with the City of Marlin.
6. Written clarification stating how the Applicant plans to resolve the overlap with the City of Bremond's existing CCN No. 11302. If seeking dual certification, the Applicant must submit consent for dual certification with the City and a corresponding agreement map (large scale).
7. Written clarification stating whether or not each hard copy map submitted on March 18, 2015, accurately reflects the area of dual certification existing between the proposed water

service areas (facility lines) and portions of the City of Marlin (10042), City of Riesel (10029), City of Waco (10039), and Perry WSC (11129) in Falls, Limestone, McLennan and Robertson Counties.

Please be aware the proposed water service areas (facility lines) shown on hard copy maps (agreement maps, small and large scale maps) must correspond to the same location provided with the Applicant's proposed digital data.

Technical Review Information:

Separate from the deficiencies described above, please note the additional items that will need to be addressed prior to the completion of the technical review:

- Please provide documentation indicating Tri-County SUD's TCEQ regulatory assessment fees are paid current thru report year 2014;
- Please provide documentation regarding Tri-County SUD's plans to resolve the arsenic violations cited by TCEQ in Drinking Water Watch for Tri-County SUD's public water system (PWS) # 0730004 and any cost associated with the resolution;
- Please provide an electronic copy of Tri-County SUD's recent audited financial statements;
- Please provide documentation of any public water system improvements needed to serve the requested area, associated costs, and Tri-County SUD's plans to pay for the improvements.