



Control Number: 43156



Item Number: 7

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**DOCKET NO. 43156**

2014 DEC 16 PM 1:57

**APPLICATION OF TRI-COUNTY  
SPECIAL UTILITY 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**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Response to Order No. 2. In support of its recommendation, Staff states the following:

**I. BACKGROUND AND STATUS UPDATE**

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 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. §§ 13.246(c), 13.254 and 30 TEX. ADMIN. CODE § 291.113<sup>1</sup>. 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, pursuant to House Bill 1600 and Senate Bill 567 of the 83rd Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred from TCEQ to the PUC. In accordance with the requirement in Order No. 2 for Staff to file a status update by December 16, 2014, this pleading is timely filed.

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<sup>1</sup> Currently P.U.C. SUBST. R. 24.113.

## II. STATUS OF CASE

As detailed in the attached memorandum of Fred Bednarski and Tracy Harbour of the Water Utilities Division (Attachment A), the application still has mapping deficiencies. Attachment A specifies what the needed hard copy maps must contain. Staff recommends the application be dismissed without prejudice if the deficiencies are not cured by January 19, 2015. Notice of this application shall not be published until the deficiencies are cured.

## III. PROPOSED PROCEDURAL SCHEDULE

<u>Event</u>	<u>Date</u>
Applicant to cure deficiencies or have the application dismissed.	January 19, 2015
Staff to file a recommendation of dismissal or status update explaining the progress made in the processing of this application.	February 2, 2015

## III. CONCLUSION

Staff respectfully requests that the Administrative Law Judge enter an order in accordance with this filing.

**Date: December 16, 2014**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

Doug Brown *w/permission*  
Douglas M. Brown  
Attorney-Legal Division  
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Austin, Texas 78711-3326

*Stephen Mack*

**DOCKET NO. 43156**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 16, 2014 in accordance with P.U.C. PROC. R. 22.74.

Doug Brown *w/permission*  
Douglas M. Brown  
*Stephen Mack*

# Attachment A

(Subject Matter Expert's Memorandum)

## PUC Interoffice Memorandum

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**To:** Doug Brown  
Legal Division

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

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

**Date:** December 15, 2014

**Subject:** Docket No. 43156, Staff Administrative Review Recommendation for Application of Tri County Special Utilities District (SUD) to Amend Water Certificate of Convenience and Necessity (CCN) No. 10054

Tri County SUD, (Applicant) filed an application to amend their water CCN in Falls, Limestone, McLennan, and Robertson Counties and to obtain dual certification with portions of the City of Marlin (CCN 10042); City of Riesel (CCN 10029); City of Waco (CCN 10039); and Perry Water Supply Corporation (WSC) (CCN 11129), pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC) §§291.101 – 291.107. 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 under P.U.C. SUBST R. 24.101 – 24.107.

Based upon my review of the information in the application, I recommend that the application be deemed insufficient for filing and that the applicant be allowed an additional 30 days to cure the following deficiencies:

- (1) Hard copy map(s) delineating the proposed water service area with enough detail to accurately locate the proposed water service area for Tri County SUD (CCN 10054) were not provided showing the requested areas of dual certification with portions of the various CCNs as referenced in Exhibit A for each of the agreements with the individual Cities of Marlin, Riesel, and Waco and Perry WSC.
- (2) Applicant must submit revised hard copy maps that meet the mapping requirements listed in on page 5 of the application form and as required in the P.U.C. substantive rules in Chapter 24. I recommend the applicant submit revised hard copy map(s) with the same amount of detail (labeling of roads, streets and highways) as provided on the facility map submitted for the application. If necessary, Applicant may submit a different map for each county in which the Applicant has entered into proposed agreements for dual certification. Applicant should mark the proposed water service area or facility lines in a different color than the roads, streets and highways displayed on the base map. If the areas of dual certification are CCN service areas displayed as facility lines, the facility lines must be offset from the existing roads displayed on the base map.
- (3) Applicant should provide the original maps referenced as Exhibit A in each agreement for dual certification between Tri County SUD and portions of the Cities

of Marlin, Riesel, and Waco and Perry WSC (11129) within Falls, Limestone, McLennan and Robertson Counties. The proposed water service areas (or facility lines) shown on all hard copy maps must correspond to the digital data submitted for this application.