



Control Number: 43253



Item Number: 12

Addendum StartPage: 0

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<b>APPLICATION OF THE CITY OF SCHERTZ TO AMEND ITS SEWER CERTIFICATE OF CONVENIENCE NECESSITY IN BEXAR COUNTY (37913-C)</b>	§ § § § §	2015 FEB 10 AM 11:42 <b>PUBLIC UTILITY COMMISSION</b> PUBLIC UTILITY COMMISSION <b>OF TEXAS</b> FILING CLERK
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### COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 5 and would show the following:

#### I. BACKGROUND

On May 9, 2014, the City of Schertz, Texas (the City) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20271 in Bexar County, Texas with the Texas Commission on Environmental Quality (TCEQ). The City requests to amend its CCN by obtaining the sewer CCN that is currently held by the San Antonio River Authority (SARA). SARA, which has the sole CCN for this area, only requires the Wholesale or Treatment CCN and has agreed to allow the City to request the Retail or Collection CCN for this area within the City's corporate limits.

On September 1, 2014 the economic regulation of water and wastewater utilities was transferred from the TCEQ to the Public Utility Commission of Texas (PUC or Commission). On September 24, 2014, the Commission issued Order No. 2, requiring Commission Staff to file comments on the administrative completeness of the City's application. On October 8, 2014, Commission Staff filed its response identifying certain deficiencies with the City's application. On October 9, 2014, the Commission issued Order No. 3 which found the application deficient and ordered the applicant to cure the noted deficiencies. Subsequently on November 25, 2014, the City requested an extension to allow it greater time to cure the noted deficiencies. Order No. 4 granted this extension. On January 30, 2015, the City filed its Response to Order No. 4 and Request for Extension for Application Deficiencies where the City noted that though it has submitted information it believes cures two of the stated deficiencies, the City would like additional time to cure the remaining deficiencies noted in Staff's October 8, 2014 response. On January 30, 2015, Order No. 5 was issued directing Staff to respond to the City's requested extension by February 10, 2015. Therefore, this pleading is timely filed.

## II. RESPONSE

At this time, Commission Staff agrees with the Applicant that it should be granted an extension until March 3, 2015 to provide the Commission all relevant information that would cure deficiencies Nos. 3 and 4, as outlined in Staff's October 8, 2014 filing. In addition, Staff accepts the Interlocal Agreement that is attached to Shertz's January 30, 2015 filing, with a final, approved copy to be provided to the Commission by February 27, 2015, as a sufficient cure to deficiencies Nos. 1 and 2, provided the final approved copy contains all relevant signatures. Furthermore, Staff has outlined the remaining deficiencies in the attached memorandum of Mary Lupo of the Commission's Water Division. Staff requests that no later than March 3, 2015, Applicant provides the necessary documentation as outlined in the attached memorandum and that Staff be given until March 31, 2015 to review the documents submitted and provide an updated sufficiency recommendation.

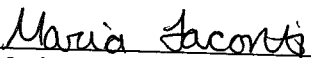
## III. CONCLUSION

Staff respectfully requests that the ALJ grant the extension giving Applicant until March 3, 2015 to cure the noted deficiencies. In addition, Staff requests it be given until March 31, 2015 to review the provided documentation and make a supplemental recommendation regarding the sufficiency of the application.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director-Legal Division

Shelah J. Cisneros  
Managing Attorney-Legal Division

  
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**DATED:** February 10, 2015

**DOCKET NO. 43253**  
**CERTIFICATE OF SERVICE**

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

Maria Faconti  
Maria Faconti

## **PUC Interoffice Memorandum**

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**To:** Maria Faconti  
Legal Division

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

**From:** Mary Lupo, Utility Rates Analyst/Auditor  
Water Utilities Division

**Date:** February 10, 2015

**Subject:** Executive Summary and Staff Recommendation for Commission Approval of Docket No. 43253

City of Schertz (City) has filed an application to amend Certificate of Convenience and Necessity (CCN) No. 20271 in Bexar County, Inc., pursuant to the criteria in the Texas Water Code Chapter 13 and the Commissioner's Chapter 24 rules and regulations.

Based upon my review of the information in the application, the application should be deemed deficient. In order to proceed with processing the application, the application should submit the following information:

1. A copy of the signed agreement with the San Antonio River Authority (SARA) for dual certification.
2. A copy of the signed contract with SARA for continuation of treatment for a portion of the wastewater.
3. A copy of the TCEQ approval letter for the plans and specifications of the wastewater system, or proof that the City has submitted either a preliminary engineering report, or proof of plans and specifications submitted to the TCEQ for the first phase of the proposed system.
4. The applicant has not met mapping requirements due to incomplete or inadequate mapping information. Additional mapping documentation is required for the following:
  - a) General location map and detailed hard copy map do not appear to delineate the same proposed sewer CCN service area with CCN No. 20271.
  - b) Provide a list of neighboring entities to notice. It is the responsibility of the applicant to submit notice within 2-miles of the proposed sewer service areas including utilities (CCNs), districts, counties, groundwater conservation districts, cities and their ETJ's and any other entities required to receive notice.

**The City of Schertz should not publish or mail revised notice until approved by the Commission staff.**