



Control Number: 43253



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2016 MAY 27 AM 9:27

APPLICATION OF THE CITY OF  
SCHERTZ TO AMEND ITS SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN BEXAR  
COUNTY (37913-C)

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§

PUBLIC UTILITY COMMISSION

OF TEXAS

**JOINT MOTION TO ADMIT EVIDENCE AND  
PROPOSED NOTICE OF APPROVAL**

The City of Schertz (Schertz) and the Staff of the Public Utility Commission of Texas (Commission Staff) jointly file this Motion to Admit Evidence and Proposed Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs. This Proposed Notice of Approval is timely filed on or before May 31, 2016.

**I. Motion to Admit Evidence**

Schertz and Commission Staff (together “the parties”) jointly request to admit the following evidence into the record of this proceeding: (a) Application of the City of Schertz to Amend its Sewer Certificate of Convenience and Necessity in Bexar County (37913-C), filed with the Commission on September 26, 2014; (b) Schertz’s Response to Order No. 9, filed May 29, 2015, which contains affidavits indicating that mailed notice was sent and a publisher’s affidavit; (c) Schertz’s CCN Consent Form and Maps, filed May 4, 2016; and (d) Commission Staff’s Recommendation on Final Disposition, filed May 10, 2016.

**II. Proposed Notice of Approval**

The Proposed Notice of Approval, included herein as Attachment A, would grant Schertz’s application to amend its certificate of convenience and necessity (CCN). This docket was processed in accordance with applicable statutes and Commission rules. Notice of the application was provided to interested parties. Schertz and Commission Staff are the only parties to this proceeding. No other party filed a request to intervene, filed comments on the application, protested this filing, or requested a hearing in this proceeding.

### **III. Conclusion**

Commission Staff has reviewed the application and recommends approval. The requirements for informal disposition have been met. Therefore, Schertz and Commission Staff respectfully request that the Commission adopt the attached findings of fact, conclusions of law, and ordering paragraphs as well as grant the admittance of the specified evidence.

**Dated: May 27, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

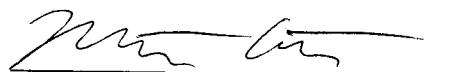
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**DOCKET NO. 43253  
CERTIFICATE OF SERVICE**

I, Matthew Arth, Attorney – Legal Division of the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record in this proceeding on May 27, 2016 in the following manner: mail.

  
Matthew Arth

**ATTACHMENT A**  
**PROPOSED NOTICE OF APPROVAL**

**DOCKET NO. 43253**

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	
<b>SCHERTZ TO AMEND ITS SEWER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN BEXAR COUNTY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>(37913-C)</b>	<b>§</b>	

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the City of Schertz's (Schertz) application for amendment of its sewer certificate of convenience and necessity (CCN) no. 20271 in Bexar County. The Public Utility Commission of Texas (Commission) Staff (Commission Staff) recommended approval of the application. The application is approved as set forth below:

**I. Findings of Fact**

***Procedural History***

1. On August 29, 2014 in response to a Notice of Deficiency, the City of Schertz (Schertz) filed with the Texas Commission on Environmental Quality (TCEQ) copies of maps addressing the deficiencies identified in its application to amend its sewer certificate of convenience and necessity (CCN) no. 20271 in Bexar County.
2. On September 22, 2014, the Public Utility Commission of Texas received Schertz's August 29, 2014 response to a Notice of Deficiency.
3. On September 24, 2014, the Commission administrative law judge (ALJ) issued Order No. 1 Addressing Water Program Transfer and Procedural Matters and Order No. 2 Requiring Comments on Administrative Completeness and Notice; Requesting Procedural Schedule, and Addressing Other Procedural Matters.
4. On September 26, 2014, the Commission received Schertz's application to amend its sewer certificate of convenience and necessity (CCN) no. 20271 in Bexar County.
5. On October 9, 2014, the Commission ALJ issued Order No. 3, finding the application administratively incomplete and giving Schertz the opportunity to cure the deficiencies.
6. On December 9, 2014, the Commission ALJ issued Order No. 4, extending the deadline for Schertz to file a response addressing the identified deficiencies.

7. On January 30, 2015, the Commission ALJ issued Order No. 5 requiring Staff to respond to Schertz's request for an extension.
8. On February 13, 2015, the Commission ALJ issued Order No. 6 extending deadlines for Schertz to correct deficiencies.
9. On February 27, 2015, the Commission ALJ issued Order No. 7, requiring Staff to respond to Schertz's request for clarification.
10. On March 9, 2015, the Commission ALJ issued Order No. 8, extending Staff's deadline to file a response to Schertz's request for clarification.
11. On March 18, 2015, the Commission ALJ issued Order No. 9, establishing deadlines for Schertz to file a final, approved copy of the Interlocal Agreement and cure remaining deficiencies and for Commission Staff to file a supplemental recommendation on the sufficiency of the amended application.
12. On May 5, 2015, the Commission ALJ issued Order No. 10, deeming the application administratively complete, addressing notice, and establishing a procedural schedule.
13. On May 15 and May 22, 2015, Schertz published notice in the *San Antonio Express-News*. On May 15, 2015, Schertz also mailed notice to neighboring utilities, landowners, and affected parties.
14. On May 29, 2015, Schertz filed its Response to Order No. 9, which contained affidavits indicating that mailed notice was sent and a publisher's affidavit from the *San Antonio Express-News*.
15. On June 17, 2015, Vernell S. Handley filed a letter including a request and the necessary information to exclude his tract from the service area at issue.
16. On July 14, 2015, Schertz filed a revised exhibit of the proposed CCN with opt-out properties and the TCEQ approval letter for the proposed sewer system.
17. On August 4, 2015, Schertz filed copies of a letter from the San Antonio River Authority supporting Schertz's sewer CCN application.
18. On August 13, 2015, the Commission ALJ issued Order No. 11, requesting additional information and amending the procedural schedule.

19. On August 20, 2015, Schertz filed additional information, including a map of Ms. Handley's property, revised general location map, revised digital data for proposed service area, and a resubmittal of the second affidavit of Notice to Neighboring Utilities and Landowners.
20. On October 14, 2015 and November 20, 2015, the Commission ALJ issued Orders No. 12 and 13, extending deadlines.
21. On December 18, 2015, the Commission ALJ issued Order No. 14, amending the procedural schedule and on December 21, 2015, issued Order No. 15, further amending the procedural schedule.
22. On March 10, 2016, the Commission ALJ issued Order No. 16, adopting a procedural schedule.
23. On March 24, 2016, the Commission ALJ issued Order No. 17, addressing Commission Staff's Recommendation and confirming the procedural schedule.
24. On May 4, 2016, Schertz filed a CCN consent form and maps.
25. On May 10, 2016, Commission Staff filed its Recommendation on Final Disposition, recommending that Schertz's application to amend its sewer CCN No. 20271 be approved.
26. On June \_\_, 2016, the Commission ALJ issued Order No. \_\_ admitting the following into evidence: (a) Application of the City of Schertz to Amend its Sewer Certificate of Convenience and Necessity in Bexar County (37913-C), filed with the Commission on September 26, 2014; (b) Schertz's Response to Order No. 9, filed May 29, 2015, which contains affidavits indicating that mailed notice was sent and a publisher's affidavit; (c) Schertz's Consent Form, filed May 4, 2016; and (d) Commission Staff's Recommendation on Final Disposition, filed May 10, 2016.

#### ***City of Schertz's Request***

27. Schertz seeks approval of an amendment to its sewer CCN No. 20271, changing the boundaries of its service area and seeking dual certification with certain neighboring utilities.

#### ***Informal Disposition***

28. At least fifteen (15) days have passed since the completion of all notice requirements.
29. No party is opposed to the application and no hearing is necessary.

## **II. Conclusions of Law**

1. Schertz is a municipally owned utility as defined in Sections 13.002(13) of the TEX. WATER CODE (TWC).
2. The Commission has jurisdiction over this matter pursuant to TWC § 13.041, 13.241, 13.244, 13.246 and 16 TEX. ADMIN. CODE (TAC) §§ 24.101 and 24.102.
3. Schertz may apply to amend its sewer CCN pursuant to TWC §§ 13.241-.250 and 16 TAC §§ 24.101 - .107.
4. Schertz provided proper notice of the Application in compliance with 16 TAC § 24.106.
5. Schertz's application is sufficient.
6. The application does not constitute a major rate proceeding as defined by 16 TAC § 22.2(27).
7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

## **III. Ordering Paragraphs**

In accordance with the findings of fact and conclusions of law, the Commission issues the following Order:

1. The City of Schertz's application for an amendment to sewer CCN no. 20271 in Bexar County is approved.
2. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

**SIGNED AT AUSTIN, TEXAS on the \_\_\_\_\_ day of JUNE, 2016.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE