



Control Number: 43253



Item Number: 7

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PUC DOCKET NO. 43253

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

**CITY OF SCHERTZ'S RESPONSE TO ORDER NO. 3 AND REQUEST FOR
EXTENSION FOR APPLICATION DEFICIENCIES**

City of Schertz, Texas (the "City") files this Response to Order No. 3. In support of its Response, the City states the following:

I. BACKGROUND

On May 9, 2014, 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 Retail or Collection portion of 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. The area is currently being served with septic systems.

The economic regulation of water and wastewater utilities was transferred from TCEQ to the Public Utility Commission (the "Commission") effective September 1, 2014. On September 24, 2014, the Commission issued Order No. 2, requiring the Commission Staff to file comments on the administrative completeness of the City's application. On October 8, 2014, the Commission Staff filed its response with the Commission, noting certain deficiencies in the City's application (the "Commission Staff's Response"). On October 9, 2014, the Commission issued Order No. 3 Finding Application Deficient, Establishing Deadlines and Opportunity to Cure ("Order No. 3"). Order No. 3 requires the City to amend its application to cure the deficiencies noted in the Commission Staff's Response. Order No. 3 also requires the City to amend its application and cure such deficiencies on or before November 10, 2014. The City files

this Response to Order No. 3, requesting an extension to cure certain deficiencies in the Commission Staff's Response.

II. APPLICATION DEFICIENCIES, SUBMISSIONS, AND REQUEST FOR EXTENSION

The Commission Staff's Response requests the City to provide the following items before its application can be deemed complete in accordance with P.U.C. SUBST. R. 24.105:

1. Pursuant to P.U.C. SUBST. R. 24.105(13), a copy of the agreement between the City and SARA for dual certification.
2. A copy of the contract between the City and SARA for SARA to continue to provide the treatment portion of the wastewater, pursuant to P.U.C. SUBST. R. 24.105(15). This rule requires a sewer CCN to provide information that the City is in compliance with P.U.C. SUBST. R. 24.94 relating to the adequacy of sewer service.
3. Pursuant to P.U.C. SUBST. R. 24.105(14)(A), a copy of the approval letter for the plans approved by the TCEQ and specifications for the system or proof that the City has submitted either a preliminary engineering report or plans and specifications for the first phase of the system.
4. Pursuant to P.U.C. SUBST. R. 24.105(15), a copy of SARA's most recent sewer inspection report, and pursuant to P.U.C. SUBST. R. 24.105(14), the City's most recent water inspection report. For each system deficiency listed, if any, attached should be a brief explanation listing the actions taken or being taken to correct the listed deficiencies, including the proposed completion dates. This information would ensure that the City is in compliance with P.U.C. SUBST. R. 24.94, relating to the adequacy of sewer service, and P.U.C. SUBST. R. 24.93, relating to the adequacy of water utility service.
5. The general location map and detailed hard copy map provided by the City do not appear to delineate the same proposed sewer CCN service area with CCN No. 20271. Therefore, the City should resubmit both hard copy maps showing the same proposed sewer service area, or retract the "Overall Location Map." Additionally, the City must submit digital data delineating the same proposed sewer CCN service area displayed on the remaining hard copy map titled, "Amended Sewer CCN 20271 Addition City of Schertz."

The City is seeking an extension to file items 1 and 2. With regard to items 1 and 2, the City is in the process of negotiating with SARA (i) a contract between the City and SARA for

dual certification (item 1) and (ii) a contract between the City and SARA for SARA to continue to provide the treatment portion of the wastewater (item 2). Once these contracts are complete, both the City and SARA will place the items on their agendas for approval. The City believes that it will be able to provide the approved documents to the Commission and the Commission Staff no later than April 30, 2015.

With regard to items 3 and 4, the City will be able to provide the requested items when a sewer system and infrastructure is in place. Currently, no sewer system or infrastructure exists. The infrastructure will be planned, designed, and constructed once the City receives the dual certification status. The City will then be in a position to provide the documentation required in items 3 and 4 to the Commission and the Commission Staff no later than April 30, 2015.

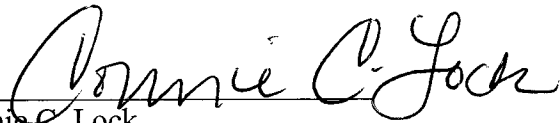
Finally, in conjunction with this Response, the City is submitting the maps requested in item 5 in both hard copy and electronic format. These maps are attached in Exhibit A to this Response.

III. CONCLUSION

The City respectfully requests that an order be issued allowing the City to submit items 1, 2, 3, and 4 of Commission Staff's Response no later than April 30, 2015.

Dated: November 25, 2014

Respectfully submitted,

By: 
Connie C. Lock

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ATTORNEY FOR CITY OF SCHERTZ, TEXAS

CERTIFICATE OF SERVICE

I, Connie C. Lock, Attorney for the City, certify that a copy of this document was served on all parties of record in this proceeding on November 25, 2014, in accordance with P.U.C. Procedural Rule 22.74 in the following manner: electronic facsimile transmission.


Connie C. Lock

EXHIBIT A—ITEM 5
OF
COMMISSION STAFF’S RESPONSE

**City Of Schertz
Amended Sewer Service Area
Certificate of Convenience and Necessity No. 20271
Comal, Guadalupe and Bexar Counties
August 1, 2014 Project No. 1122.3804**

The State Legislature, through House Bill 2876 (effective September 1, 2005), require that all entities holding a sewer purveyor's CCN up-date said map with metes and bounds description therein. The following is a meets and bounds description, describing the City Of Schertz Sewer Service Area CCN accordingly.

Being 3,202.41 acres of land situated in Bexar County, Texas. The said 3,202.41 acre tract being more particularly described in metes and bounds as follows:

Beginning: at the Southwest corner of the City of Schertz city limits on a line of the City of San Antonio city limits on the Northern line of Interstate Highway 10

Thence: along the common city limits line of the City of San Antonio and the City of Schertz as follows:

N 59°12'27" E – 1711.54 feet;

N 75°31'13" W – 1233.85 feet;

N 15°49'47" E – 3133.05 feet;

N 74°40'53" W – 1155.71 feet;

N 13°57'58" E – 1139.56 feet to a point on the South ROW line of Scenic Lake Drive;

Thence: with the South ROW line of Scenic Lake Drive, along the common city limits line of the City of San Antonio and the City of Schertz as follows:

S 74°50'30" E – 1562.84 feet;

S 73°53'38" E – 2265.58 feet;

N 16°18'46" E – 49.99 feet crossing Scenic Lake Drive to a point of intersection with the west ROW line of Boenig Drive;

Thence: with the West ROW line of Boenig Drive along the common city limits line of the City of San Antonio and the City of Schertz as follows:

N 71°09'21" E – 93.12 feet;

N 29°53'36" E – 2295.94 feet;

N 32°14'02" E – 617.43 feet;

N 29°37'27" E – 754.60 feet;

N 34°58'22" E – 103.56 feet;

N 45°00'10" E – 103.60 feet;

N 50°01'30" E – 623.98 feet;

N 46°40'33" E – 94.51 feet;

N 33°34'46" E – 98.99 feet;

N 29°46'27" E – 2051.88 feet;

N 60°19'00" W – 10.58 feet;

N 29°47'06" E – 99.63 feet;

Thence: with a curve to the left having an Arc length of 87.21 feet, a Radius of 97.65 feet, a Delta angle of 51°10'26", a Tangent of 46.76 feet and Chord bearing of N 04°08'47" E – 84.34 feet to a point on the South ROW line of Ware-Seguin Road;

Thence: along the South line ROW line of Ware Seguin Road, continuing along the common city limits line of the City of San Antonio and the City of Schertz as follows;

N 74°55'21" W – 648.34 feet;

N 75°01'55" W – 746.76 feet to a point on the South ROW line of Ware-Seguin road, said point being the common point of intersection for the city limits for the City of San Antonio, the City of Converse and the City of Schertz;

N 74°37'09" W – 1714.92 feet along the common city limits line for the City of Converse and the City of Schertz, continuing along the south ROW line of Ware – Seguin road;

N 15°33'27" E – at 49.99 feet pass the North ROW line of Ware-Seguin road, a distance in all of 1900.12 feet;

N 74°48'48" W – 2405.64 feet continuing with the common city limits line for the City of Converse and the City of Schertz to a point on the North ROW line of Lower Seguin Road;

Thence: N 59°14'29" E – 1707.99 feet along the North line of Lower Seguin Road, continuing with the common city limits for the City of Converse and the City of Schertz;

Thence: N 30°15'07" W – 863.84 feet continuing with the common city limits line for the City of Converse and the City of Schertz to a point of intersection of the common city limits line for the City of Converse, the City of Schertz and Randolph Air Force Base City Limits;

Thence: with the common city limits for Randolph Air Force Base and the City of Schertz as follows;

N 59°02'22" E – 263.24 feet;

N 59°59'46" E – 668.11 feet to a point on the Northeastern boundary line of the San Antonio River Authority's Sewer service area;

Thence: along and with the said boundary of the San Antonio River Authority's Sewer service area in a Southeasterly direction as follows:

S 38°07'09" E - at 862.21 feet pass the Northern line of Lower Seguin Road, at 928.57 feet pass the Southern line of Lower Seguin Road, a distance in all of 1913.66 feet

S 63°26'39" E – 2098.56 feet;

S 40°03'40" E – 1537.86 feet;

S 79°40'17" E – at 1251.19 feet pass the Northern line of Ware Seguin Road, at 1346.21 feet pass the Southern line of Ware Seguin Road, at 2424.66 feet pass a Western line of Ware Seguin Road, at 2504.38 feet pass an Eastern line of Ware Seguin Road, a distance in all of 3139.65 feet;

N 65°02'05" E – 1374.14 feet;

N 86°31'59" E – 1128.36 feet;

S 72°47'25" E – 2536.81 feet;

S 38°40'15" E – at 1121.57 feet pass the Northern line of Ware Seguin Road, at 1182.55 feet pass the Southern line of Ware Seguin Road, a distance in all of 1638.65 feet;

S 61°09'14" E – 1711.04 feet;

S 03°25'29" W – 1608.26 feet;

S 17°23'37" E – 1429.39 feet;

S 60°48'44" E – 78.07 feet to a point on the Northern line of Interstate Highway 10 and the Southern line of the City of Schertz city limits line;

Thence: along the Northern right of way line of Interstate Highway 10, the Southern line of the City of Schertz city limits line as follows:

S 68°17'47" W – 26.42 feet;

S 76°49'56" W – 132.09 feet;

Thence with a curve to the left having an Arc length of 450.20 feet, a Radius of 3152.49 feet, a Delta angle of 08°10'56", and a Chord bearing of S 73°48'08" W – 449.82 feet;

Thence with a curve to the left having an Arc length of 136.80 feet, a Radius of 6229.97 feet, a Delta angle of 01°15'29", and a Chord bearing of S 68°34'44" W – 136.80 feet;

S 68°18'01" W – 115.18 feet;

Thence with a curve to the left having an Arc length of 410.72 feet, a Radius of 3076.57 feet, a Delta angle of 07°38'56", and a Chord bearing of S 63°53'20" W – 410.42 feet;

S 59°50'09" W – 210.74 feet;

S 68°19'58" W – 5870.04 feet;

S 78°55'59" W – 315.25 feet;

S 68°19'57" W – 449.99 feet;

S 59°06'59" W – 129.97 feet;

S 58°57'49" W – 224.67 feet;

S 68°44'50" W – 334.22 feet;

S 69°24'45" W – 604.75 feet;

S 69°24'48" W – 858.15 feet;

S 78°29'49" W – 506.66 feet;

S 69°24'49" W – 657.14 feet;

N 69°11'41" W – 152.37 feet along the flair at the intersection of Interstate Highway 10 and Graytown Road;

S 47°52'15" W – 66.15 feet across said Graytown Road;

S 20°47'46" W – 125.18 feet along the flair at the intersection of Graytown Road and Interstate Highway 10;

Certificate of Convenience and Necessity No. 20271

Thence: S 69°24'49" W – 286.86 feet continuing along the Northern line of Interstate Highway 10;

S 60°19'43" W – 506.18 feet;

S 69°24'49" W – 4430.34 feet;

N 61°04'25" W – 132.06 feet along the flair at the intersection of Interstate Highway 10 and Scenic Lake Drive;

S 59°54'21" W – 58.72 feet across Scenic Lake Drive;

S 42°12'12" W – 198.47 feet along the flair at the intersection of Interstate Highway 10 and Scenic Lake Drive:

Thence: S 69°24'49" W – 662.93 feet continuing along the Northern line of Interstate Highway 10 to the **POINT OF BEGINNING** and containing 3,202.41 acres of land.

The Acreage and Distances shown are based on Lambert Grid, Texas South Central Zone, NAD 83.

OVERSIZED DOCUMENT(S)

TO VIEW

OVERSIZED DOCUMENT(S)

PLEASE GO TO

CENTRAL RECORDS

(512) 936-7180