

Control Number: 43360



Item Number: 32

Addendum StartPage: 0

PUC DOCKET NO. 43360

**APPLICATION OF THE CITY OF
PLEASANTON FOR CERTIFICATES
OF CONVENIENCE AND NECESSITY
IN ATASCOSA COUNTY (37978-C &
37991-C)**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RESPONSE TO ORDER NO. 8

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 8, and would show the following:

I. BACKGROUND

On July 9, 2014, the City of Pleasanton (City) filed with the Texas Commission on Environmental Quality (TCEQ) an application for water and sewer Certificates of Convenience and Necessity (CCN) in Atascosa County. Order No. 8, issued on April 24, 2015, found the application and notice to be administratively complete, and set July 29, 2015 as the deadline for Staff to file an updated procedural schedule, request a hearing, or file a final recommendation. Order No. 8 also required the Applicant to file a copy of the notice sent to affected parties with signed affidavit(s) evidencing proof of notice and publication within 30 days of the notice and last publication date, and set the intervention deadline. Accordingly, this response is timely filed.

II. COMMENT ON RECOMMENDATION

Since Order No. 8 was issued, five opt-out requests have been filed with the Commission, along with two comments that requested notification if a public hearing is held on the application. Staff cannot provide a final recommendation at this time because the applicant must update the application to account for the opt-out requests pursuant to 16 Tax. Admin Code § 24.102(h) (TAC). Staff recommends that the Applicant update the mapping information to conform to the opt-out requests, as supported by the attached recommendation from Elisabeth English, Engineering Specialist in the Water Utilities Division. Specifically, Staff requests that the applicant provide copies of property maps and/or documents received for each landowner's opt out request and revised small and large scale maps, with digital data. The revised maps and digital data must remove the entire property for each landowner's opt-out request. Staff also recommends that the Applicant provide proof of notice as required in Order No. 8. Staff is unable to determine if the 30 day comment period has concluded as the Applicant has not provided proof of notice.

Dependent upon when the notices were mailed and published, further opt-out requests may be received.

Staff recommends the following procedural schedule:

| Event | Date |
|--|--------------------|
| Deadline for Applicant to file affidavits of proof of notice and publication and revised | August 28, 2015 |
| Deadline for Applicant to provide revised maps and opt-out information | |
| Staff to propose an additional procedural schedule, request a hearing, or file a final recommendation. | September 25, 2015 |

III. CONCLUSION

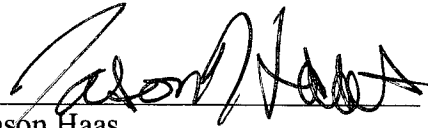
Staff respectfully requests that the ALJ issue an order consistent with this pleading.

Dated: July 29, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division


Karen S. Hubbard
Managing Attorney – Legal Division



Jason Haas
Attorney-Legal Division
State Bar No. 24032386
(512) 936-7295 (telephone)
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 29, 2015, in accordance with 16 TAC § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Haas, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: July 29, 2015

Subject: Docket No. 43360: *Application of City of Pleasanton to obtain water and sewer Certificate of Convenience and Necessity in Atascosa County*

On July 9, 2014 the City of Pleasanton, (Applicant), filed an application to obtain water and sewer Certificates of Convenience and Necessity (CCN), in Atascosa County, pursuant to Texas Water Code (TWC), §§ 13.242-.250 (TWC) and 16 Texas Admin. Code §§ 24.101-.107 (TAC).

Order No. 8, filed April 24, 2015, deemed the application sufficient for filing, ordered the Applicant to notice affected entities, and requested that the Applicant return proof of notice within 30 days of the date of notice. Staff were also requested provide an updated procedural schedule, request a hearing, or offer a final recommendation no later than July 29, 2015.

The Applicant has yet to provide proof of notice, and the Commission has received five (5) opt out requests pursuant to 16 TAC § 24.102(h). Additionally, there have been two (2) comments from the public requesting notification of hearing. At this time, Staff cannot provide a final recommendation and recommend that the Applicant update the mapping information to conform to the opt-out requests. Specifically, Staff recommends that the Applicant provide:

1. Copies of property maps/documents received for each landowner's opt out request
2. Revised small and large scale maps, with digital data, corresponding to the proposed area only. The revised maps and digital data must remove the entire property for each landowner's opt-out request.
 - a) A general location (small scale) map showing the proposed area with enough detail to accurately locate the service area in the vicinity of the nearest city, town or county.
 - b) A large scale map showing the proposed area with enough detail to accurately locate the service area in the vicinity of surrounding roads, streets, and highways.
 - c) Submit digital data including the proposed area in a drawing (DWG) or shapefile (SHP) file format on a data disk (CD).

Staff is unable to determine if the 30 day comment period has concluded as the Applicant has not provided proof of notice. Dependent upon when the notices were mailed and published, further opt-out requests may be received.