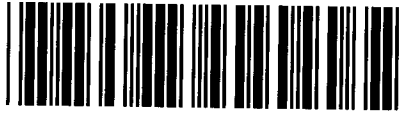


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SOAH DOCKET NO. 473-16-0101.WS  
PUC DOCKET NO. 43360

2016 FEB 12 AM 11:23

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

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§  
§  
§

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**STATUS REPORT**

COMES NOW the Staff of the Public Utility Commission of Texas (Commission), representing the public interest and files this Status Report, and would show the following:

**I. BACKGROUND**

On January 27, 2016, the Administrative Law Judge (ALJ) issued SOAH Order No. 5, granting the City of Jourdanon's Motion to Withdraw. The ALJ also requires that Staff file a status report indicating whether any contested issues remain in this case by February 12, 2016

**II. STATUS REPORT**

It is Staff's understanding that, as a result of the settlement between the Cities of Pleasanton and Jourdanon, the City of Pleasanton is modifying the service area from its original request. As set out in the attached memorandum from Elisabeth English, Engineering Specialist, and Tracy Montes, GIS Specialist, in the Water Utilities Division, Staff will require additional mapping information related to any modification as well as mapping information related to each landowner that has submitted an opt-out request. After Staff has reviewed the revised maps, Staff will either (1) make a determination that the maps are not sufficient, and request additional information; (2) recommend that the maps are sufficient, that no contested issues remain, and request that the proceeding be remanded to the Commission; or (3) recommend that the maps are sufficient, that contested issues remain, and propose a procedural schedule, including a date for a hearing on the merits. Accordingly, Staff proposes the following procedural schedule:

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Event	Date
Deadline for Applicant to submit mapping information addressing issues in Staff's memorandum	March 10, 2016
Deadline for Staff to submit recommendation on sufficiency of mapping information and recommendation on further disposition	April 7, 2016

**Dated: February 12, 2016**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division


Karen Hubbard  
Managing Attorney  
Legal Division



Jason Haas  
Attorney-Legal Division  
State Bar No. 24032386  
(512) 936-7295  
(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 February 12, 2016 in accordance with 16 Tex. Admin. Code § 22.74.

  
\_\_\_\_\_  
Jason Haas

## PUC Interoffice Memorandum

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**To:** Jason Haas, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Water Utilities Division

**From:** Elisabeth English, Engineering Specialist  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Date:** February 10, 2016

**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). The Application was referred to the State Office of Administrative Hearings (SOAH) on September 9, 2015. A protest to the application was filed by the City of Jourdanon, who has subsequently withdrawn as a protestant to the proceeding. Staff continues to have unresolved issues with the Application, and does not recommend that it is dismissed from SOAH at this time.

The City of Jourdanon's request to withdraw is a result of an agreement reached with the Applicant regarding the proposed water and sewer CCN service areas. The Applicant should be requested to provide the referenced agreement, and the corresponding maps, prior to being dismissed by SOAH and remanded back to the Commission. Additionally, the Applicant continues to have unresolved mapping disputes in regards to the landowner opt-outs received during the 30 day comment period.

Specifically, the Applicant should be requested to file the following to resolve the mapping deficiencies for each landowner's opt out request and the agreement with the City of Jourdanon:

1. Separate large scale maps for each of the seven landowner's properties with enough detail to accurately locate the property in reference to verifiable man-made and/or natural landmarks such as streets, railroads and rivers.
2. Maps for both the proposed water and proposed sewer service areas as referenced in the docket agreed to by the Applicant and the City of Jourdanon. The large scale maps must accurately show the revised proposed water and sewer service areas in reference to

verifiable man-made landmarks such as streets and highways as agreed upon by the Applicant and the City of Jourdanon.

3. Revised small and large scale maps with digital data in a shapefile format showing only the revised proposed water and proposed sewer service areas after removing the properties subject to each landowner's opt out request and including the changes per the agreement with the City of Jourdanon. Submit a separate small and large scale map for the proposed water and the proposed sewer service areas, since each boundary is different. The revised proposed water and sewer service areas must be shown the same on all hard copy maps and digital data.