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

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PUBLIC UTILITY COMMISSION
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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

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY

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

I. BACKGROUND

On May, 2016, the Administrative Law Judge (ALJ) issued SOAH Order No. 8, allowing the City of Pleasanton (Pleasanton) to file additional mapping information by June 13, 2016 to address deficiencies identified by Staff, and Staff to file its recommendation on the additional information and recommendation on further disposition by July 13, 2016.

II. RECOMMENDATION ON SUFFICIENCY

Pleasanton filed additional mapping information with the Commission on June 14, 2016. However, Staff has identified deficiencies in the additional mapping information, based on the attached memorandum from Elisabeth English, Engineering Specialist, and Tracy Montes, GIS Specialist of the Water Utilities Division. Specifically, the landowners Daughtry, Dicaro, Gregory, and Wheeler properties were not accurately removed from the proposed digital data, the acreage included in the digital data for the Beyer and Wheeler properties do not include the entire acreage requested in each landowner’s opt out request, and Staff determined the revised proposed water and sewer service areas includes overlaps with the City of Jourdanton’s water CCN No. 12039 and McCoy WSC’s water CCN No. 10649. Staff recommends that the application remain at SOAH at this time, and recommends that the Pleasanton file additional mapping information to address the deficiencies set out in the Staff memorandum. Staff recommends the following procedural schedule:

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Event	Date
Deadline for Pleasanton to submit mapping information addressing issues in Staff's memorandum	August 15, 2016
Deadline for Staff to submit recommendation on sufficiency of mapping information and recommendation on further disposition	September 15, 2016

Dated: July 13, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 13, 2016 in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas

PUC Interoffice Memorandum

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: July 8, 2016

Subject: **Docket No. 43360, SOAH Docket No. 473-16-0101.WS:** *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 proposed digital data, filed on April 15, 2016, and the digital data of each landowner's property subject to an opt-out request, filed on June 14, 2016, remain insufficient. The digital data does not accurately remove each property, therefore Staff recommends the application continue to be found deficient.

Specifically, the landowners Daughtry, Dicaro, Gregory, and Wheeler properties were not accurately removed from the proposed digital data. The acreage included in the digital data for the Beyer and Wheeler properties do not include the entire acreage requested in each landowner's opt out request. In addition, Staff determined the revised proposed water and sewer service areas includes overlaps with the City of Jourdanon's water CCN No. 12039 and McCoy WSC's water CCN No. 10649.

Staff recommends the Applicant file revised maps and digital data to accurately remove the landowner's property, as referenced above, in accordance with their opt-out request. It is also recommended that the Applicant remove overlaps with the existing CCNs, as noted above.

Staff recommends the Applicant file the following:

1. A revised large scale (detailed) map only showing the proposed water and sewer service areas after accurately removing the tract of land subject to the landowner's opt-out request, with enough detail to accurately locate the proposed service areas in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers. Since each boundary is different, Staff requests the applicant file a separate large scale map for both the proposed water and the proposed sewer service areas.
2. Revised digital data including only the proposed water and/or sewer service areas after accurately removing the tract of land subject to the landowner's opt-out request, as a single polygon record, in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD). The digital data must include the coordinate system and projection used to create each polygon (property).
3. If the Applicant does not intend have dual certification with the City of Jourdanton or McCoy WSC water CCN's, the applicable areas must be removed from the proposed service areas on the revised digital data. In the alternative, the Applicant may obtain dual agreements from the affected CCN holders allowing for the proposed overlap.

Staff is continuing to work with the Applicant to help resolve the remaining map deficiencies.