



Control Number: 43378



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APPLICATION OF THE CITY OF MANOR TO AMEND ITS WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10947 § § § §

2015 FEB - 5 PM 2:16 PUBLIC UTILITY COMMISSION PUBLIC UTILITY COMMISSION FILIO TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's Response to Order No. 5 and would show the following:

I. BACKGROUND

On July 8, 2014, the City of Manor (Applicant) filed an application to amend its water certificate of convenience and necessity (CCN) No. 10947 in Travis County, Texas. Manor states that a single developer has requested service from Manor for a project of approximately 773 connections.¹

On October 2, 2014, Staff determined that Manor's Application was not administratively complete and recommended that the Application be rejected and that Manor be given 30 days to cure its application. In Order No. 2, the Commission administrative law judge (ALJ) found Manor's application administratively incomplete, and directed Manor, on or before November 3, 2014, to amend its application to cure the deficiencies noted by Staff. On Friday, October 31, 2014, Manor filed an amendment to its application, and further amended its application on December 16, 2014 and January 30, 2015. In Order No. 5, Staff was given a deadline of March 2, 2015 to review Manor's supplemental materials. Staff's supplemental recommendation regarding sufficiency of the amended application and notice is therefore timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS OF APPLICATION

Staff has reviewed Manor's amendment to its application and recommends that Manor's Application be found administratively complete in accordance with TEX. WATER CODE ANN.

¹ Application of the City of Manor to Amend its Water Certificate of Convenience and Necessity No. 10947 at 2 (July 8, 2014).

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§ 13.246 and 16 TAC § 24.106. 16 TAC § 24.8(a) provides that, if the Commission determines that material deficiencies exist in any pleadings, statement of intent, applications, or other requests for Commission action addressed in 16 TAC Chapter 24 regarding a CCN application, the application may be rejected. 16 TAC § 24.106 provides the Commission's notice requirements for CCN applications. Staff has reviewed Manor's proposed notice and recommends that it meets the requirements of the rule, as laid out in the attached memorandum of Elisabeth English of the Commission's Water Utility Division.

III. NOTICE REQUIREMENTS

P.U.C. SUBST. R. 24.106 provides the Commission's notice requirements for CCN applications. Applicant has cured its notice deficiencies; therefore Staff recommends that the Applicant send notice to all affected parties. Based on the memorandum of Ms. English, Staff recommends the following:

- 1) Order the Applicant to provide correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with 25 acres or more either partially or wholly in the requested area and any other affected parties located in the requested CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d) publish notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County;
- 2) Order the Applicant to include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 3) Order the Applicant to file with the Commission proof of notice and proof of publication.

IV. PROPOSED PROCEDURAL SCHEUDLE

Staff proposes the following procedural schedule:

Event	Date
Applicant files with the Commission a copy of the notice sent to the affected parties and published in a newspaper of general circulation with attached signed affidavits that the notice was given.	March 9, 2015
Staff files an updated procedural schedule.	March 16, 2015

V. CONCLUSION

Because Manor's Application and proposed notice is administratively complete, Staff recommends that the Application and notice be approved. Additionally, Staff recommends that Staff's proposed procedural schedule be adopted.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Shelah J. Cisneros
Managing Attorney
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 February 5 2015, in accordance with P.U.C. Procedural Rule 22.74.



Katherine Lengieza Gross

PUC Interoffice Memorandum

To: Katherine Gross, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: January 30, 2015

Subject: Docket No. 43378, Application of City of Manor to amend its water Certificate of Convenience and Necessity (CCN) in Travis County

City of Manor (Applicant), filed an application to amend its water Certificate of Convenience and Necessity (CCN) No.10947, in Travis County, pursuant to Texas Water Code (TWC), §§ 13.242 to 13.250 and the PUC SUBST. Rs. 24.101 to 291.107.

Based on staff's review of the information in the application and the amended customer notice, staff recommends that the application be deemed sufficient for filing. Staff further recommends the following:

- 1) Order the Applicant to provide correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with 25 acres or more either partially or wholly in the requested area and any other affected parties located in the requested CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d) published notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County;

- 2) Order the Applicant to include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ's web site located at

<http://www14.tceq.texas.gov/iwud/>.

- 3) Order the Applicant to return, within 30 days of the Commission order, a copy of the actual individual notice sent with attached signed and notarized affidavit that the notice was given. For newspaper notice, the Applicant should provide a tear sheet of the actual newspaper publication for each week along with a publisher's affidavit as proof that sufficient notice was provided.