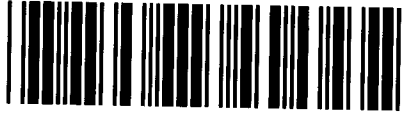




Control Number: 43378



Item Number: 2

Addendum StartPage: 0

P.U.C. DOCKET NO. 43378

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

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FILING CLERK

**COMMISSION STAFF'S REQUEST FOR GOOD CAUSE EXCEPTION AND  
STATEMENT ON ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's request for good cause exception and statement on administrative completeness 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.<sup>1</sup>

**II. REQUEST FOR GOOD CAUSE EXCEPTION TO P.U.C. SUBST. R. 24.8**

P.U.C. SUBST. R. 24.8 requires Staff to file its recommendation addressing whether the application in this matter is administratively complete within ten working days from receipt of the application. Staff respectfully requests that good cause be found to extend the deadline in P.U.C. SUBST. R. 24.8 to the date of this filing. The economic regulation of water and wastewater utilities was transferred from the Texas Commission on Environmental Quality (TCEQ) to the Commission effective September 1, 2014. Staff's review of CCN amendments pursuant to P.U.C. SUBST. R. 24.8 is a meticulous, time intensive practice, and Staff has limited resources available for processing these applications within a ten working day time span. The combination of these two factors resulted in Staff not meeting its P.U.C. SUBST. R. 24.8 deadline in this

<sup>1</sup> 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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docket. Therefore, Staff respectfully requests the date for Staff's recommendation on whether the application is administratively complete be extended to the date of this filing.

### **III. COMMENTS ON ADMINISTRATIVE COMPLETENESS OF APPLICATION**

Staff has reviewed Manor's Application and recommends that Manor's Application be found not administratively complete in accordance with TEX. WATER CODE ANN. § 13.244 and Title 16, TEX. ADMIN. CODE (16 TAC) § 24.105. 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 § 24.105 provides the Commission's required contents of a CCN application. Staff has reviewed Manor's application for sufficiency and, based on the attached memorandum of Ahmad Tavakoly of the Commission's Water Utility Division, has identified several deficiencies in the application, specifically regarding needed mapping information. Manor has not provided all of the information requested or responded to all questions in the application as described in Mr. Tavakoly's memorandum; therefore the application does not meet the requirements of the rule. As such, Staff recommends that the Application be found not administratively complete and recommends that the Application be rejected pursuant to 16 TAC § 24.8(a).

Staff would respectfully request that Manor be given 30 days to cure these deficiencies in the Application.

### **IV. CONCLUSION**

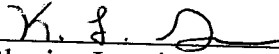
Staff respectfully requests that the deadline in P.U.C. SUBST. R. 24.8 be extended to the date of this filing. Because Manor's Application is not administratively complete, Staff recommends that the Application be rejected for the reasons described above. Additionally, Staff recommends that Manor be given 30 days to cure these deficiencies in its application.

**Dated: October 2, 2014**

Respectfully Submitted,

Joseph P. Younger  
Division Director-Legal Division

Shelah J. Cisneros  
Managing Attorney-Legal Division

  
\_\_\_\_\_  
Katherine Lengieza Gross  
Attorney-Legal Division  
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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 October 2, 2014, in accordance with P.U.C. Procedural Rule 22.74.

  
\_\_\_\_\_  
Katherine Lengieza Gross

## PUC Interoffice Memorandum

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**To:** Katherine Gross  
Legal Division

**Thru:** Tammy Benter, Director  
Water Utilities Division

**From:** Ahmad Tavakoly  
Water Utilities Division

**Date:** September 26, 2014

**Subject:** Staff Recommendation for Docket No. 43378

City of Manor (Applicant) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 110947 in Travis County, pursuant to the criteria in the Texas Water Code, Subchapter G.

Based upon my review of the information in the application, I recommend the Applicant correct the following mapping deficiencies:

- A. Provide a general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county; and
- B. Provide a map showing **only** the proposed area by:
  - i. metes and bounds survey certified by a licensed state or registered professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also a data disk labeled with the applicant's name must be provided; or
  - iii. following verifiable natural and man-made landmarks; or
  - iv. a copy of recorded plat map with metes and bounds.