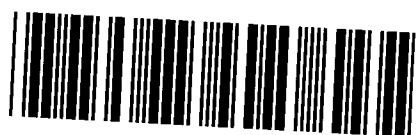


Control Number: 43452



Item Number: 34

Addendum StartPage: 0



DOCKET NO. 43452

RECEIVED

2015 DEC -7 PM 1:29  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
COMMISSION OF TEXAS

APPLICATION OF THE TOWN OF  
LITTLE ELM TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY AND TO  
DECERTIFY PORTIONS OF  
CERTIFICATES HELD BY MUSTANG  
SPECIAL UTILITY DISTRICT AND  
TERRA SOUTHWEST INC. IN  
DENTON COUNTY (37896-C, 37897-C)

§  
§  
§  
§  
§  
§  
§  
§

**RESPONSE TO ORDER NO. 13  
COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION**

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files its Supplemental Recommendation. In support of its Supplemental Recommendation, Staff states the following:

**I. Background**

On April 24, 2014, the Town of Little Elm filed an application with the Texas Commission on Environmental Quality. Among the requests in the Town of Little Elm's application is an amendment to its sewer certificate of convenience and necessity (sewer CCN No. 20931). The Town of Little Elm sought to add additional service area in Denton County, Texas. The nearby Town of Lakewood Village is also seeking to add the same service area in Denton County, Texas.<sup>1</sup> Since the filing of their respective applications, the Town of Little Elm and the Town of Lakewood Village have negotiated a resolution regarding city boundaries.

Consistent with this negotiated resolution, both the Town of Little Elm and the Town of Lakewood Village have submitted additional mapping information.

**II. Staff's Supplemental Recommendation**

Staff has reviewed the additional mapping data submitted by the Town of Little Elm, and Staff has identified the following deficiencies:

1. The Town of Little Elm must submit another map that clearly and accurately

<sup>1</sup> See *Application of Town of Lakewood Village to Amend its Sewer Certificate of Convenience and Necessity and to Decertify a Portion of the Town of Little Elm's Certificate in Denton County*, Docket No. 43145 (pending).

- delineates the boundary of each designated area as described and agreed upon between the Town of Little Elm and the Town of Lakewood Village;
2. The Town of Little Elm must submit digital data for each polygon (green, reddish and yellow) in a shapefile format, which includes the projection file used to create each shapefile. The digital data must correspond to the same proposed sewer service areas as as agreed upon by the Town of Little Elm and the Town of Lakewood Village;
  3. The Town of Little Elm must submit revised large scale (detailed) maps (one water and one sewer) clearly delineating the revised proposed water and sewer service areas with enough detail to accurately locate the service areas in reference to surrounding roads, streets and highways; and
  4. The Town of Little Elm must submit revised digital data for the revised proposed water and sewer service areas in a shapefile format including the projection file used to create the file.

Given these deficiencies, Staff recommends that the Town of Little Elm's application be deemed not administratively complete.<sup>2</sup> Additionally, Staff recommends that the Town of Little Elm be given thirty (30) days to cure the deficiencies identified by Staff. Once the Town of Little Elm cures these deficiencies, Staff will review the Town of Little Elm's application for administrative completeness. In the event that Staff determines that the Town of Little Elm's application is administratively complete, Staff will propose a procedural schedule.

### **III. Conclusion**

The Town of Little Elm's application is not administratively complete because of certain deficiencies identified by Staff. Staff recommends that the Town of Little Elm be given thirty (30) days to cure the deficiencies identified by Staff.

---

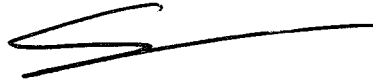
<sup>2</sup> Staff's recommendation is based on the attached memorandum from Debbie Reyes Tamayo and Tracy Montes of the Water Utilities Division.

Date: December 7, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division



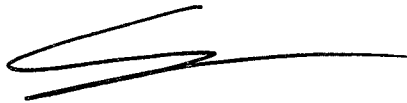
Sam Chang  
State Bar No. 24078333  
Attorney, Legal Division

Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7261  
(512) 936-7268 (facsimile)  
sam.chang@puc.texas.gov

**DOCKET NO. 43452**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 7, 2015, in accordance with 16 TAC § 22.74.



Sam Chang

## PUC Interoffice Memorandum

---

**To:** Sam Chang, Attorney  
Legal Division

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

**From:** Debbie Reyes Tamayo, Program Specialist  
Tracy Harbour, GIS Specialist  
Water Utility Division

**Date:** December 4, 2015

**Subject:** Docket No. 43452, *Applications of Town of Little Elm, to amend its Certificates of Convenience and Necessity (CCN's) in Denton County (Application Nos. 37896-C and 37897-C)*

On April 24, 2011, Town of Little Elm (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend CCN Nos. 11202 and 20931 in Denton County, pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), Section 291.101 – 291.107. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed under the PUC Subst. R in Chapters §§24.101 – 24.107.

Based on Staff's review of the revised mapping information, Staff recommends that the Applicant be ordered to provide amended mapping information and notices for continued processing of the application.

On October 21, 2015, the Applicant filed an amended map to illustrate an agreement between the Applicant and the Town of Lakewood Village for the proposed sewer service areas. The agreement references "Exhibit A" as an attached map. The agreement map is not labeled as "Exhibit A" and does not correspond to the correct colors (green, reddish and yellow) with each area. In addition to these items requested, Staff recommends the Commission require the Applicant to submit digital data for each area (polygon) described as green, reddish and yellow in color as executed in the agreement.

Staff recommends that the Commission require the Applicant to submit the following items to resolve the mapping deficiencies.

### Agreement map documentation

1. A new large scale "agreement map" that clearly and accurately delineates the outer boundary of each designated area (green, reddish and yellow) as described and agreed between the Applicant and Town of Lakewood Village. This map must be labeled as "Exhibit A", as referenced in the agreement.

2. Digital data for each polygon (green, reddish and yellow) in a shapefile format as shown on the new agreement map, which includes the projection file used to create each shapefile. The digital data must correspond to the same proposed sewer service areas as referenced on a new agreement map.

#### Revised Proposed Water and Sewer Service Areas

3. Revised large scale (detailed) maps (one water and one sewer) clearly delineating the revised proposed water and sewer service areas with enough detail to accurately locate the service areas in reference to surrounding roads, streets and highways.
  - a. The maps should only delineate the proposed water or proposed sewer service areas.
  - b. The maps should clearly label each proposed service area and surrounding roads, streets and highways, so staff may accurately locate and position their proposed digital data.
  - c. The labeling on the maps submitted for the Town of Little Elm's proposed service areas must be revised to clearly reflect the intent of their application.
    - i. The Applicant should use the term "add," to describe CCN service areas being *added* to their existing CCN; and use the term, "decertify" to describe CCN service areas to be *removed* from their existing CCN.
    - ii. The legend should be amended on both the proposed water and sewer maps to clearly reflect the intent of the application. Please list each utility name, CCN number and amendment to occur (see ci).
4. Revised digital data for the revised proposed water and sewer service areas in a shapefile format including the projection file used to create the file.
  - a. The revised digital data must correspond to the same proposed water and sewer service areas shown on all maps.
  - b. Each polygon provided for the proposed water and sewer service area should be clearly labeled with the tract # as indexed on the map, the utility to be amended and state if the CCN area is being added or removed from the specified CCN.
  - c. Staff suggests the Applicant use the PUC's official CCN data to better align the revised proposed digital data with nearby existing CCNs.