

Control Number: 43551



Item Number: 3

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014.

RECEIVED

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PUBLIC UTILITIES DIVISION
FILING CLERK

TEXAS NATURAL

RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

THRU: Doug Holcomb, P.E., Manager
Utilities and Districts Section

FROM: Victoria Harkins, Ph.D., P.E., Team Leader
Utility Certification and Rate Analysis Team

SUBJECT: Docket No. 2002-0189-UCR; Application of the City of Austin to Obtain a Water Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33562-C

DATE: February 25, 2002

Docket No. 2002-0189-UCR; Application of the City of Austin to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33563-C

We hereby transfer the official file for the above applications to the Chief Clerk's Office. Please refer these applications to the State Office of Administrative Hearings and request that a hearing be scheduled.


This utility's applications are being protested by the Lower Colorado River Authority, Creedmore-Maha Water Supply Corporation, Onion Creek Wastewater Company, Hornsby Bend, Gary Bradley, Dessau Utilities, and AquaSource Utility, Inc. Commission staff are also protesting these applications. The protestants are also requesting a hearing on this matter. Staff estimates thirty people to attend this hearing. Attached is a mailing list.

The staff assigned to this case are:

Technical - Mike Howell

Legal -

If we may be of further service regarding this matter, please call.


Victoria Harkins

VH/mh

cc: TNRCC Public Interest Counsel; ATTN: Vic McWherter
TNRCC Agency Communications; ATTN: Andy Saenz, Director

Handwritten notes and stamps:

2014 FEB 25 10:00 AM
 DIRECTOR'S OFFICE
 3

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 25, 2002

CERTIFIED MAIL

Mr. Ronnie Jones
City of Austin
Assistant City Attorney
P.O.B. 1546
Austin, TX 78767-1546

Re: Docket No. 2002-0189-UCR; Application of the City of Austin to Obtain a Water Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33562-C

Docket No. 2002-0189-UCR; Application of the City of Austin to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33563-C

Dear Mr. Jones:

The Texas Natural Resource Conservation Commission (TNRCC) received protests to your applications to obtain a water and a sewer CCN in Travis, Hays and Williamson Counties. The Commission's Chief Clerk has assigned Docket Nos. 2002-0189-UCR and 2002-0189-UCR to this matter. Any further communications should refer to these docket numbers. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing on whether a CCN should be amended. The Lower Colorado River Authority, Creedmore-Maha Water Supply Corporation, Onion Creek Wastewater Company, Hornsby Bend, Gary Bradley, Dessau Utilities, and AquaSource Utility, Inc. have protested the referenced applications. Commission staff are also protesting these applications. Since an initial sixty day period was granted to address potential protests, a second extension will not be granted. However, continued discussion with the protestants is always encouraged.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

Mr. Ronnie Jones

Page2

February 25, 2002

In order to review these CCN applications, the staff of the TNRCC may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions about this process or what material you should bring with you to the hearing, please contact Mike Howell at (512) 239-6960.

Sincerely,



Victoria Harkin, Ph.D., P. E.
Utilities and Districts Section, MC 153
Water Supply Division

VH/mh/ac

cc: TNRCC Region No. 11 Office
Attached Mailing List

TNRCC Chief Clerk's Office; ATTN: Melanie Mohair
TNRCC Legal; ATTN: Scott Humphrey

PROPOSED MAILING LIST FOR
DOCKET NO. 2002-0189-UCR and 2002-0189-UCR
(Application Nos. 33562-C for water and 33563-C for sewer)

Chris Lippe, P.E., Director
City of Austin Water and Wastewater Utility
625 East 10th Street
Suite 800
Austin, Texas 78701

Bart Jennings
City of Austin
625 E. 10th Street
Suite 800
Austin, Texas 78701

Monica Jacobs
Bracewell & Patterson L.L.P.
111 Congress Avenue
Suite 2300
Austin, Texas 78701-4043

Representing City of Austin

Mr. Mark Zeppa
Attorney at Law
4833 Spicewood Springs Road
Suite 202
Austin, Texas 78759-8436

Representing AquaSource Utility, Inc. and AquaSource
Development Company, and Creedmore-Maha WSC

Mark W. Smith
Casey, Gentz & Sifuentes, L.L.P.
919 Congress Avenue
Suite 1060
Austin, Texas 78701

Representing Onion Creek Wastewater Corporation

John J. Carlton
Ambrust Brown & Davis, L.L.P.
100 Congress Avenue
Suite 1300
Austin, Texas 78701-2744

Representing Hornsby Bend

Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Representing Lower Colorado River Authority

Steve Stratton
Dessau Utilities Inc.
4104 Belmont Park Drive
Austin, Texas 78746

Mr. Ed Wolf
Route 2, Box 236 "D"
Cameron, Texas 76520

Kent Taylor
Taylor Commercial
900 Congress Avenue
Suite L-165
Austin, Texas 78701

Richard Buratti
6617 Argentin~~a~~ Road
Austin, Texas 78757

Jack Condon
405 Beardsley Lane
Austin, Texas 78746

Teresa Reel
3503 Crownover Street
Austin, Texas 78725

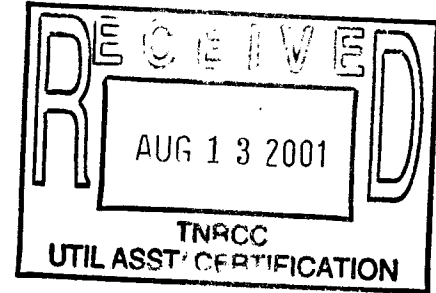


City of Austin

Founded by Congress, Republic of Texas, 1839
Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78767 Telephone 512/499-2000

August 10, 2001

Mr. Doug Holcomb
Manager, Utilities and Districts Department
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711



Dear Mr. Holcomb:

The City of Austin (City) is pleased to submit its application for a water Certificate of Convenience and Necessity (CCN) for a Proposed Area located contiguous to the City corporate limits and totally within the City's extraterritorial jurisdiction (ETJ). The City has multiple regional water facilities serving approximately 176,000 water connections in portions of Travis, Williamson and Hays counties. Currently, the City provides water service to virtually all land within its corporate limits. More specifically, the City provides retail service to approximately 10,581 water connections in the Proposed Area. At this time, the City is not requesting authorization from the TNRCC to provide water service to its entire ETJ, and its application additionally excludes areas presently certificated to other utility service providers.

The City has already received a total of 56 water service extension requests (SERs), covering approximately 7,715 acres, for tracts in the Proposed Area. Recent growth projections confirm that significant urban and suburban growth will occur in the Proposed Area in the future. Reports presenting these projections are included as an attachment to the City's water CCN application. The reports include a study conducted by the City's Transportation, Planning & Sustainability Department as well as reports developed by other sources. The City's report, which uses a 40-year planning horizon and focuses on growth trends in the City and its ETJ, predicts an increase of approximately 880,386 new residents in the City and its ETJ and population growth in the Proposed Area of 4.5 to over 6 times the current population.

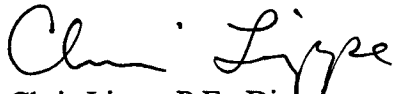
According to information provided to the City, many of the proposed developments in the Proposed Area are projects of a suburban nature, i.e., single family residential areas with gross densities of more than two units per acre, extensive multi-family tracts, and large amounts of commercial and other non-residential uses. These proposed developments require urban level water utility service, which the City will provide to its customers in the Proposed Area.

Letter to Mr. Holcomb
August 10, 2001
Page 2 of 2

Most importantly, single certification of the Proposed Area to the City will result in its customers benefiting from lower rates, cost-effective infrastructure planning and placement, and a greater level of service arising from economies of scale available to the City. In addition, the Proposed Area is completely within the City's Desired Development Zone, which is a preferred growth area designated for the purpose of protecting water quality by directing growth away from sensitive environmental features and towards areas where dense growth will have less impact. As part of this designation, the City established incentives for development that provide for City participation in the costs of building infrastructure, which once again benefit the customers in the Proposed Area. As the City's service history and its financial, managerial, and technical resources indicate, the City is uniquely positioned to best undertake this responsibility and meet customer needs in the Proposed Area.

We look forward to your review of this application. Enclosed is the \$100 application fee. If you have any questions or desire any additional information, please call Bart Jennings at 322-2907.

Sincerely,

A handwritten signature in cursive script that reads "Chris Lippe".

Chris Lippe, P.E., Director
Water and Wastewater Utility

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



APPLICATION NO. 32409-C

IN THE MATTER OF THE APPLICATION § BEFORE THE
OF HORNSBY BEND UTILITY COMPANY, § TEXAS NATURAL RESOURCE
INC. TO AMEND SEWER CERTIFICATE OF § CONSERVATION COMMISSION
CONVENIENCE AND NECESSITY §
NUMBER 20650 IN TRAVIS COUNTY, §
TEXAS

ORDER

On APR 16 1999, the Executive Director of the Texas Natural Resource Conservation Commission pursuant to Chapters 5 and 13 of the Texas Water Code considered the application of Hornsby Bend Utility Company, Inc. to amend Sewer Certificate of Convenience and Necessity Number 20650 in Travis County.

No person has requested a public hearing on the application;

Notice of the application was given all affected and interested parties;

The criteria set forth in Section 13.246(c) have been considered by the Commission; and

Granting the application is necessary for the service, accommodation, convenience and safety of the public.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that the application is granted and Certificate of Convenience and Necessity Number 20650, issued to Hornsby Bend Utility Company, Inc., is amended in accordance with the terms and conditions set forth herein and in the certificate.

IT IS FURTHER ORDERED that Hornsby Bend Utility Company, Inc. shall serve every customer and applicant for service within the area certified under Certificate of Convenience and Necessity Number 20650 and that such service shall be continuous and adequate.

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

Issued Date: APR 16 1999


For the Commission

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Sewer Service Under V.T.C.A., Water Code
and Texas Natural Resource Conservation Commission Substantive Rules

Certificate No. 20650

I. Certificate Holder:

Name: Hornsby Bend Utility Company, Inc.

Address: 3223 Park Hills Drive
Austin, Texas 78746

II. General Description and Location of Service Area:

There are several areas covered by this certificate which are located approximately 10 miles east of downtown Austin on Farm to Market Road 969 and Webberville Road. The service areas are all within the area generally bounded on the east by Taylor Road and Farm to Market Road 969, on the south by the Colorado River, on the west by Farm to Market Road 973 in Travis County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide sewer service in the area identified on the Commission's official sewer service area map, WRS-227, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 32409-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: **APR 16 1999**

For the Commission

A handwritten signature in black ink, appearing to read "Jeffrey Davis", written over a horizontal line.