



Control Number: 43930



Item Number: 25

Addendum StartPage: 0

DOCKET NO. 43930

**APPLICATION OF GULF COAST
WASTE DISPOSAL AUTHORITY TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN CHAMBERS COUNTY**

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**PUBLIC UTILITY COMMISSION
OF
TEXAS**

PUBLIC UTILITY COMMISSION
FILING CLERK

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COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

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

I. BACKGROUND

On December 8, 2014, Gulf Coast Waste Disposal Authority (GCWDA or Applicant) filed with Commission an application (Application) to amend its sewer certificate of convenience and necessity (CCN) No. 20465 in Chambers County, Texas pursuant to Tex. Water Code. §§ 13.246(c), 13.254 (TWC), and 16 Tex. Admin. Code § 24.113 (TAC). GCWDA seeks to amend its CCN to voluntarily decertify a small portion of its service area at the request of the Chambers County Improvement District No. 2. GCWDA does not currently serve in the area that is the subject of this Application. The Administrative Law Judge (ALJ) issued Order No. 8 on August 3, 2015, requiring the Applicant to cure the Application's deficiencies by August 17, 2015. The Applicant filed supplemental information on August 18, 2015. In Order No. 8, the ALJ allowed Staff until September 1, 2015 to provide a supplemental recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As detailed in the attached memorandum (Attachment A) of Jolie Mathis and Tracy Harbor Montes of the Water Utilities Division, Staff recommends that the Application and proposed notice be deemed sufficient and the Applicant should issue notice. Attachment A explains the deficiencies were cured with the Applicant's last supplemental filing. Attachment A also provides instruction on issuing notice. The Applicant should submit samples of the notices issued, the map issued with the individual notice, and affidavits of notice for the published notice and individual notice to the Commission. Attachment B includes draft sample notices and affidavits.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for the Applicant to submit notice (individual and published), affidavits of notice and the map included with the individual notice.	October 1, 2015
Deadline for parties, other than Staff, to file comments, interventions, or hearing request.	30 days after the issuance of notice
Deadline for Staff to file a recommendation and or procedural schedule with hard deadlines.	November 8, 2015

IV. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with the above recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

Douglas Brown w/ permission
Douglas M. Brown
Attorney, Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 43930
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 1, 2015 in accordance with 16 TAC § 22.74.

Douglas Brown w/ permission
Douglas M. Brown
Eric B

ATTACHMENT A

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Jolie Mathis, Engineering Specialist
Tracy Harbour, GIS Specialist
Water Utilities Division

SUBJECT: Docket No. 43930, *Application of Gulf Coast Waste Disposal Authority, for amendment to Sewer Certificate of Convenience and Necessity (CCN) No. 20465, in Chambers, County, Texas*

DATE: August 31, 2015

On December 8, 2014, Gulf Coast Waste Disposal Authority (GCWDA or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer certificate of convenience (CCN) No. 20465 by decertifying a small portion of its service area pursuant to the criteria in the Texas Water Code, Chapter 13, and PUC Subst. R in Chapters §§24.101 – 24.107.

On August 18, 2015, GCA submitted a fifth amendment to the application in response to Order No. 8 issued on August 3, 2015, requesting the Applicant correct the general notice description. Based on Staff's review of the information in the application, Staff recommends the application and notices be deemed sufficient for filing. The notice for publication and notice to current customers, neighboring systems and cities are attached. Based upon the above, Staff further recommends the following:

The Applicant be ordered 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 more than 25 acres and any affected parties in the proposed 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. notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Chambers County;

2. The Applicant should 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 web site located at <http://www14.tceq.texas.gov/iwud/>

ATTACHMENT B

Notice for Publication

NOTICE OF APPLICATION TO AMEND/DECERTIFY A PORTION OF CERTIFICATE OF CONVENEINCE AND NECESSITY (CCN) TO PROVIDE SEWER SERVICE IN CHAMBERS COUNTY, TEXAS

Gulf Coast Waste Disposal Authority has filed an application with the Public Utility Commission (PUC) of Texas to amend/decertify a portion of sewer Certificate of Convenience and Necessity (CCN) No. 20465 in Chambers County, pursuant to Title 16 of the Texas Administrative Code in Chapter 24, §§24.109 and 24.112.

The proposed sewer area subject to this application is located approximately 1 mile east of downtown Baytown, Texas, and is generally bounded on the north by FM 565; on the east by State Highway 99/Grand Pkwy; on the south by State Highway 99/Grand Pkwy; and on the west by FM 1405.

The total area being requested includes approximately 692 acres and serves 0 current customers.

A copy of the proposed service area map is available at: 910 Bay Area Blvd., Houston, TX 77058
Phone: (281) 488-3331

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Notice to Neighboring Systems, Customers and Cities

NOTICE OF APPLICATION TO AMEND/DECERTIFY A PORTION OF CERTIFICATE OF CONVENEINCE AND NECESSITY (CCN) TO PROVIDE SEWER SERVICE IN CHAMBERS COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2015
(Name of Neighboring systems, Customers, cities)

(Address)

(City State Zip)

Gulf Coast Waste Disposal Authority has filed an application with the Public Utility Commission (PUC) of Texas to amend/decertify a portion of sewer Certificate of Convenience and Necessity (CCN) No. 20465 in Chambers County, pursuant to Title 16 of the Texas Administrative Code in Chapter 24, §§24.109 and 24.112.

The proposed sewer area subject to this application is located approximately 1 mile east of downtown Baytown, Texas, and is generally bounded on the north by FM 565; on the east by State Highway 99/Grand Pkwy; on the south by State Highway 99/Grand Pkwy; and on the west by FM 1405.

The total area being requested includes approximately 692 acres and serves 0 current customers.

See enclosed map of the proposed service area.

A copy of the proposed service area map is available at: 910 Bay Area Blvd., Houston, TX 77058
Phone: (281) 488-3331

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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Si desea informacion en Espanol, puede llamar al 1-888-782-8477

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____

(TITLE)

of the _____

(NAME OF NEWSPAPER)

that said newspaper is regularly published in: _____

(COUNTY/COUNTIES)

and generally circulated in _____

(COUNTY/COUNTIES)

, Texas: and

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____
(TITLE)

of the _____
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit: _____
(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____