



Control Number: 44028



Item Number: 25

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**DOCKET NO. 44028**

**APPLICATION OF THE CITY OF  
THREE RIVERS TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN LIVE OAK  
COUNTY (37900-C)**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

PM 2:15

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION  
TO THE CITY OF THREE RIVERS  
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-6**

Pursuant to 16 Tex. Admin. Code § 22.144 (TAC) of the Commission's Procedural Rules, the Staff of the Public Utility Commission of Texas (Staff) requests that the City of Three Rivers by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.


Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

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Dated: October 6, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director-Legal Division

  
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Maria Faconti  
Attorney-Legal Division  
State Bar No. 24078487  
(512) 936-7235  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 44028**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 6, 2015, in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Maria Faconti

**DOCKET NO. 44028**

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION  
TO THE CITY OF THREE RIVERS  
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-6**

**DEFINITIONS**

- 1) "You" refers to the City of Three Rivers and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- 2) "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do not exist and these documents will be provided.

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TO THE CITY OF THREE RIVERS  
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-6**

**INSTRUCTIONS**

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-6**

- Staff 1-1** Please provide a copy of a list of the owners of each tract of land that is at least 25 acres and that is wholly or partially located within the proposed service area. The list can be obtained from the central appraisal district for Live Oak County. If there are no landowners in the requested area with 25 acres or more either wholly or partially located within the proposed service area, then provide a statement or evidence that you contacted Live Oak County to obtain the required list and the search revealed that none exist in the proposed area.
- Staff 1-2** Please provide proof that notice was provided to each individual or entity on the list provided in response to **Staff 1-1**. As proof that notice was provided, please submit a copy of the notice, attached map, and a notarized affidavit that indicates the date(s) that notice was provided.
- Staff 1-3** Is the application seeking to obtain a water CCN for territory over a Texas State Park (the Park)? If so, please provide proof that the Park has requested service from the City of Three Rivers or evidence that the Park agrees to allow the City of Three Rivers to obtain a water CCN for the area including the Park.
- Staff 1-4** Please provide additional information to demonstrate a need for service to the entire 3,448 acres requested in the application. It appears that you are requesting to serve 37 existing connections; however, these connections appear to be concentrated in only one area of the 3,448 acres requested in the application. Need for service can be demonstrated by including, but is not limited to:
- whether any additional landowners, prospective landowners, tenants or residents have requested service (in addition to the 37 existing connections);
  - demonstration that the City of Three Rivers has facilities and/or distribution lines already located in the requested area (include a map of the facilities and/or distribution lines with your response);
  - economic need for service in the proposed area;
  - environmental need for service in the proposed area;
  - additional written applications or requests for service have been received in the proposed area (besides the existing 37 connections); and/or
  - reports or market studies demonstrating existing or anticipated growth in the area.
- Staff 1-5** The City of Three Rivers has provided the Annual Financial Report for the Years Ended September 30, 2012 and September 30, 2013. Please provide the City of Three Rivers' Annual Financial Report for the Year Ended September 30, 2014.

**Staff 1-6**      The City of Three Rivers currently has an enforcement action pending before the Texas Commission on Environmental Quality (TCEQ) under TCEQ Docket No. 2015-1320-MLM-E. Please provide evidence that the City of Three Rivers has resolved and/or addressed this matter with the TCEQ.