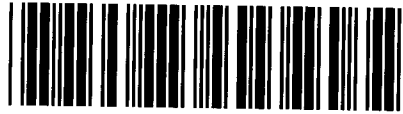


Control Number: 44380



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Addendum StartPage: 0

PUC DOCKET NO. 44380

APPLICATION OF THE CITY OF
AUSTIN TO CANCEL WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
HELD BY LOST CREEK MUNICIPAL
UTILITY DISTRICT IN TRAVIS
COUNTY

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PUBLIC UTILITY COMMISSION

OF

TEXAS

2015 SEP 11 1:08
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON THE NOTICE ISSUED

Comes Now, Staff of the Public Utility Commission of Texas (Staff) and files this Recommendation on the Notice Issued. In support thereof, Staff states the following:

I. BACKGROUND

On January 28, 2015, the City of Austin (COA) filed with the Commission an application (Application) requesting to cancel Lost Creek MUD's (Lost Creek or Applicant) water certificate of convenience (CCN) No. 10307 and wastewater CCN No. 20118 in Travis County, Texas. COA filed the Application on behalf of the Applicant, as is noted in the supplemental materials filed on June 5, 2015. COA annexed the Applicant and all of its water and wastewater customers on December 1, 2014. The Application is being reviewed under the 16 Tex. Admin. Code § 24.115 (TAC).

Order No. 5 deemed the Application sufficient and instructed the Applicant to issue notice. The Applicant timely filed some of the required notice documents on August 5, 2015. Order No. 5 instructed Staff to file a supplemental recommendation by September 18, 2015. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As noted by the attached memorandum (Attachment A) of Elisabeth English and Komal Patel of the Water Utilities Division, Staff recommends that the notice issued by the Applicant was insufficient. The Applicant did not issue individual notice to the existing customers in the proposed

area. Therefore, Staff recommends the Applicant be ordered to issue individual notice to existing customers pursuant to the requirements of 16 TAC § 24.115(c).

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for the Applicant to submit an affidavit of notice to the customers, the notice actually issued, and the attached map.	October 15, 2015
Deadline for affected parties, other than Staff, to file comments, intervene, or request a hearing	30 days after notice is issued
Deadline for Commission Staff to make a final recommendation, to request a hearing, or to file a supplemental procedural schedule.	November 18, 2015

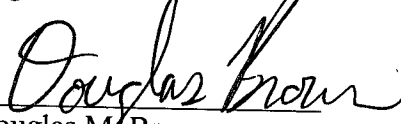
IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

Respectfully Submitted,

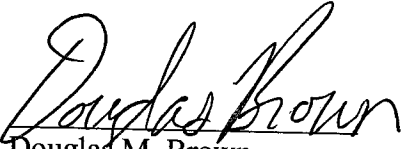
Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division


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. 44380
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 18, 2015 in accordance with 16 TAC § 22.74.


Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Doug Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: September 9, 2015

Subject: **Docket No. 44380:** *Application of the City of Austin to Cancel Water and Sewer Certificates of Convenience and Necessity Held by Lost Creek Municipal Utility District in Travis County*

On January 28, 2015, the City of Austin (City or Applicant) filed with the Public Utility Commission of Texas (Commission) on behalf of Lost Creek Municipal Utility District's (Lost Creek) an application requesting to cancel Lost Creek's water and sewer Certificates of Convenience and Necessity (CCN), Nos. 10307 and 20118 respectively, in Travis County, Texas. The application was reviewed under Texas Water Code §13.250 (TWC) and 16 Tex. Admin. Code §24.115 (TAC).

The application was deemed administratively complete and sufficient for filing via Order No. 5. The City was ordered to notice affected parties including affected customers, and return proof of notice to the Commission prior to August 7, 2015, pursuant to 16 TAC §24.115(c). Staff recommended published notice be waived as a result of the notices distributed during the annexation of the area.

On August 5, 2015, the City filed an affidavit of notice, along with a copy of the notices sent. According to the affidavit, notice was mailed to neighboring systems, landowners and cities on August 3, 2015. The City did not provide an affidavit of notice, or a copy of the notice sent, confirming that the affected customers were also notified. Staff requests that the Applicant:

1. Provide the correct notice of the application, including a copy of a map showing the proposed service areas, to the affected customers; and
2. Submit a copy of the actual notice and the map issued with the individual mailed notice, and the signed affidavits, indicating the notice was given in accordance with 16 TAC §24.115(c).