



Control Number: 44523



Item Number: 12

Addendum StartPage: 0

APPLICATION OF CITY OF
DRIPPING SPRINGS TO AMEND
THE WATER CERTIFICATE (CCN
NO. 13031)

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 3

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's Response to Order No. 3 and would show the following:

I. BACKGROUND

On March 11, 2015, City of Dripping Springs (Applicant) filed with the Commission an application to amend water Certificate of Convenience and Necessity (CCN) 13030 in Hays County, Texas.

In Order No. 3, issued June 12, 2015, the Commission Administrative Law Judge directed Applicant to cure deficiencies in its application by July 10, 2015, and for Staff to file a recommendation regarding administrative completeness of the application and notice along with a proposed procedural schedule by August 7, 2015. On July 16, 2015, Applicant filed supplemental materials. This pleading is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS OF APPLICATION AND NOTICE

Staff has reviewed the City's Application and supplemental materials, and recommends that the City's Application is not administratively complete in accordance with TEX. WATER CODE ANN. § 13.244 and Title 16, TEX. ADMIN. CODE (16 TAC) § 24.105. 16 TAC § 24.8(a) provides that, if the Commission determines that material deficiencies exist in any pleadings, statement of intent, applications, or other requests for Commission action addressed in 16 TAC Chapter 24, regarding a CCN application, the application or notice may be rejected. 16 TAC § 24.105 provides

the Commission's required contents of a CCN application. Staff has reviewed the City's application for sufficiency and, based on the attached memorandum of Jolie Mathis and Tracy Montes of the Commission's Water Utility Division, recommends that the application contains material deficiencies, specifically regarding needed mapping information. Specifically, Staff recommends the Applicant provide the following information:

1. Submit digital data only including the proposed service area in a drawing (DWG) file format on a data disk (CD). The digital data should correspond to the same proposed service area as shown on all hard copy maps submitted with the application.
 - a. The proposed digital data must be a single, continuous polyline or polygon record, which is clearly labeled as the proposed service area.
 - b. The proposed digital data must include the coordinate system used to create the digital data.
2. Amend notice documents to include the nearby roads, streets, or highways located to the north, east, south and west of the proposed service area. The notice document only provides the general boundary located outside of the proposed service area, rather than defining the exact boundary of the proposed service area.
3. Submit a detailed list of the entities who must receive notice. The Applicant provided an incomplete list of neighboring utilities, districts, cities and any other entities providing the same type of service within the 2-mile buffer of the proposed service area. The Applicant must also provide a list of the county and groundwater conservation districts that the proposed area falls within.

Because of these material deficiencies, the application does not meet the requirements of the rule. As such, Staff recommends that the application is not administratively complete and recommends that the application be rejected pursuant to 16 TAC § 24.8(a).

Staff would respectfully request that the City be given until September 8, 2015 to cure these deficiencies in its application and notice, and that Staff be given until October 8, 2015 to review the City's supplemental materials and file additional comments on the administrative completeness of the revised application and proposed notice.

III. PROCEDURAL SCHEDULE

Staff has reviewed the Application and recommends that the City's Application and notice be deemed not administratively complete, and recommends that the Application and notice be rejected until the deficiencies are corrected. Accordingly, Staff has not proposed a procedural schedule for this Application at this time.

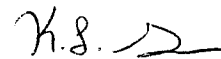
IV. CONCLUSION

Because the City's Application and notice are not administratively complete, Staff recommends that the Application and notice be rejected for the reasons described above. Additionally, Staff recommends that the City be given until September 8, 2015 to cure these deficiencies in its application and notice. If the City files materials to cure the deficiencies in its application, Staff would respectfully request that Staff be given until October 8, 2015 to file comments on the administrative completeness of the application and proposed notice.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

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Managing Attorney
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CERTIFICATE OF SERVICE

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



Katherine Lengieza Gross

PUC Interoffice Memorandum

To: Katherine Gross, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

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

SUBJECT: Docket No. 44523, Application of City of Dripping Springs to amend a Certificate of Convenience and Necessity (CCN) in Hays County

DATE: August 6, 2015

On March 11, 2015, City of Dripping Springs (Dripping Springs) filed with the Public Utility Commission of Texas (Commission) an Application to amend its water Certificate of Convenience and Necessity (CCN) No. 13030 in Hays County. Dripping Springs seeks to amend its CCN in order to extend existing service to the planned Blue Blazes Ranch mixed use development.

In Order No. 3 the application was found administratively incomplete and deficient, and the Applicant was ordered to amend its application to cure the deficiencies noted by Commission Staff. Based on the response to Order No. 3, the Applicant has still not satisfied the mapping requirements.

Staff recommends the application be deemed insufficient for filing due to mapping deficiencies. In order to cure the deficiencies, Staff recommends the Applicant provide the following information:

1. Submit digital data only including the proposed service area in a drawing (DWG) file format on a data disk (CD). The digital data should correspond to the same proposed service area as shown on all hard copy maps submitted with the application.
 - a. The proposed digital data must be a single, continuous polyline or polygon record, which is clearly labeled as the proposed service area.
 - b. The proposed digital data must include the coordinate system used to create the digital data.
2. Amend notice documents to include the nearby roads, streets, or highways located to the north, east, south and west of the proposed service area. The notice document only provides the general boundary located outside of the proposed service area, rather than defining the exact boundary of the proposed service area.

3. Submit a detailed list of the entities who must receive notice. The Applicant provided an incomplete list of neighboring utilities, districts, cities and any other entities providing the same type of service within the 2-mile buffer of the proposed service area. The Applicant must also provide a list of the county and groundwater conservation districts that the proposed area falls within.

Mapping Staff is working with the applicant to provide guidance on how to resolve these mapping deficiencies.

We recommend the Applicant be ordered to return the requested information within 30 days.