



Control Number: 44523



Item Number: 32

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**DOCKET NO. 44523**

**APPLICATION OF CITY OF DRIPPING  
SPRINGS TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY IN HAYS COUNTY**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 9**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Response to Order No. 9. In support thereof, Staff shows the following:

**I. BACKGROUND**

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

In Order No. 9, issued March 21, 2016, the Commission administrative law judge set April 8, 2016 as the deadline for the City to supplement its application and set April 22, 2016 as the deadline for Staff to file a final recommendation. This pleading is therefore timely filed.

**II. RESPONSE**

As supported by the memorandum of Lisa Fuentes attached to Staff's Request for Additional Time filed on March 18, 2016, Texas Water Code § 13.246(c)(4) (TWC) requires the ability of the City to provide adequate service to be addressed. Service is defined in 13 TWC § 13.002(21) as being:

...any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities.

The proposed service area requires construction of facilities, including a transmission line for water delivery from a wholesale water provider. The application did not include engineering plans for the necessary facilities, or indicate that the necessary approvals had been sought from the Texas Commission on Environmental Quality (TCEQ). The application does not reference the City's existing public water supply (PWS) information as a means to provide service to the

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proposed area. This raises the issue of whether the intent is to serve the proposed area as a wholesale customer, in which case the facilities would be considered a separate PWS requiring further TCEQ approval. The application states a PWS will be constructed by the developer of the Blue Blazes Development.<sup>1</sup> The City, as the CCN holder, is responsible for ensuring that adequate service is provided to the area.

Staff requires a copy of plans and/or specifications for the new system from the City in order to ensure that adequate service will be provided in accordance with TWC § 13.246(c)(4). Although requested by Staff in its March 18, 2016 pleading and the administrative law judge in Order No. 9, the City has not yet produced the required plans and/or specifications. Therefore, additional time is required so that the City may supplement its application. Staff recommends that the City be given until May 13, 2016, to file this additional information, and that Staff be given until May 31, 2016, to file its final recommendation.

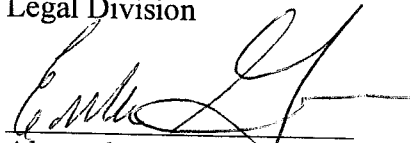
#### IV. CONCLUSION

Staff respectfully requests that the ALJ issue an order granting the above request.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

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Managing Attorney  
Legal Division

for   
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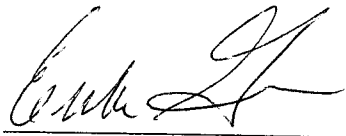
<sup>1</sup> Application at p. 109, Attachment 7.

Public Utility Commission of Texas  
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P.O. Box 13326  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 21, 2016 in accordance with 16 TAC § 22.74.

  
for Alexander Petak