



Control Number: 44523



Item Number: 5

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

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PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 1

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's Response to Order No. 1 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 (Application).

In Order No. 1, issued March 13, 2015, the Commission Administrative Law Judge directed Staff to file a recommendation regarding administrative completeness of the application and notice along with a proposed procedural schedule by April 10, 2015. Therefore, this pleading is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS OF APPLICATION AND NOTICE

Staff has reviewed the City's Application 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 of the Commission's Water Utility Division, recommends that the application contains material deficiencies, specifically regarding mapping information. The City has not satisfied the mapping requirements as listed on page 5 of the CCN amendment application and as required by 16 TAC § 24.105(a)(2), as described in Ms. Mathis's memorandum; therefore 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 May 11, 2015 to cure these deficiencies in its application and notice, and that Staff be given until June 11, 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 be deemed not administratively complete, and recommends that the Application 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 is not administratively complete, Staff recommends that the Application be rejected for the reasons described above. Additionally, Staff recommends that the City be given until May 11, 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 June 11, 2015 to file comments on the administrative completeness of the application and proposed notice.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
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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 10, 2015, in accordance with P.U.C. Procedural Rule 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
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: April 8, 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.

The Applicant's survey plat maps referenced as Attachment 3 show a different proposed water service area on sheet 1, than is shown on sheet 2. The proposed water service area is also shown differently on the additional maps submitted in attachments 2, 5 and Exhibit 2 with this application. The maps submitted reference the development, "Blue Blazes or Blue Blazes WSC," rather than the City of Dripping Springs, who is the Applicant and utility amending their water CCN 13030. All maps must clearly show the intent of the application, which is for the City of Dripping Springs to amend their water CCN 13030. The maps must clearly label the proposed water service area, not the development or subdivision name. Therefore, staff is unable to clearly determine the proposed water service area being requested with this application.

Based on a review of the information in the application, the Applicant has not satisfied the mapping requirements as listed on page 5 of the CCN amendment application and as required in the P.U.C. SUBST. R. 24.105(a)(2).

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 a general location (small scale) map only showing the proposed service area with enough detail to accurately locate the proposed service area in the vicinity of the nearest town, city, or county.
2. Submit a large scale map clearly delineating the proposed water service area with

enough detail to accurately locate the service area in the vicinity of surrounding roads, streets, and highways. This map should be used for notice purposes.

- a. Submit a scaled map only showing the proposed water service area. Do not show surrounding CCN service areas on maps.
- b. Must add a title and a legend to the map clearly stating the intent of the application, and identify the utility name and CCN number being amended.
- c. Must clearly label, mark or highlight the proposed water service area being amended.

Applicant must submit digital data that corresponds to the same proposed water service area displayed on all maps submitted for this amendment application.

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