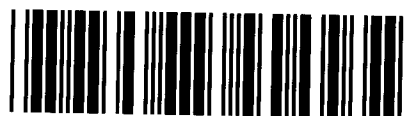




Control Number: 44523



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

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§  
§

2015 JUN 11 AM 10:11  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

## COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's Response to Order No. 2 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. 2, issued April 13, 2015, the Commission Administrative Law Judge directed Applicant to cure deficiencies in its application by May 11, 2015, and for Staff to file a recommendation regarding administrative completeness of the application and notice along with a proposed procedural schedule by June 11, 2015. On April 30, 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 of the Commission's Water Utility Division, recommends that the application contains material deficiencies, specifically regarding needed mapping information. Staff requests that Applicant submit a revised 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 city and a major street or highway intersection, and that this map clearly label surrounding roads, streets and highways and the City of Dripping Springs. Because of these material deficiencies with regards to the mapping, 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 July 10, 2015 to cure these deficiencies in its application and notice, and that Staff be given until August 7, 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 July 10, 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 August 7, 2015 to file comments on the administrative completeness of the application and proposed notice.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Shelah J. Cisneros  
Managing Attorney  
Legal Division



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Attorney-Legal Division  
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Public Utility Commission of Texas  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 11, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Katherine Lengieza Gross

## **PUC Interoffice Memorandum**

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**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:** June 5, 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. 2, 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. 2, 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 a revised 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 city and a major street or highway intersection. The map must clearly label surrounding roads, streets and highways and the City of Dripping Springs, since this map should be used for notice purposes.

Staff is unable to evaluate notice documents or determine if the 2-mile list of neighboring entities is complete until adequate maps are received.

Staff recommends the Applicant be ordered to return the requested information within 30 days.