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DOCKET NO. 44646

**APPLICATION OF THE CITY OF §
BELTON TO AMEND A SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN BELL COUNTY §**

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PUBLIC UTILITY COMMISSION
FILED
OF TEXAS

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Supplemental Recommendation on Sufficiency and would show the following:

I. BACKGROUND

On April 16, 2015, the City of Belton (Belton) filed with the Commission an application to amend its sewer certificate of convenience and necessity (CCN) No. 20444 in Bell County, Texas. Belton stated that there are no existing sewer utilities present in the proposed area, and that it is seeking single certification in order to serve the future development along the IH-35 corridor and the area west of the city, as demonstrated in its attached 2015 Wastewater Master Plan, and allow for the elimination of dependence of on-site sewage facilities.¹

On April 21, 2015, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the application and proposed notice, as well as comments regarding how the application should be processed and a proposed procedural schedule by May 15, 2015. On May 12, 2015, Staff filed a request for extension of the deadline to file its recommendation on administrative completeness to allow additional time to complete a thorough review. On May 13, 2015, the ALJ granted Staff's request and extended the deadline for Staff to file its recommendation on administrative completeness to May 29, 2015. On May 27, 2015, Staff recommended that the application be deemed deficient due to not satisfying the mapping requirements as required by 16 Tex. Admin. Code § 24.105(a)(2) and that Belton be given additional time to cure the deficiencies and resubmit maps.

¹ Application at 4 (Apr. 16, 2015).

On June 4, 2015, the ALJ issued Order No. 3, deeming the application administratively incomplete and deficient, consistent with Staff's recommendation. The ALJ extended deadlines, ordering Belton to file supplemental information by June 26, 2015 to cure the deficiencies identified by Commission Staff and ordering Commission Staff to file a supplemental recommendation by July 24, 2015. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF THE APPLICATION

Staff has reviewed Belton's application and notice for administrative completeness and has determined that the application continues to be materially deficient and therefore administratively incomplete, as supported by the attached memorandum of Jolie Mathis and Tracy Harbour. Staff recommends Belton be ordered to submit the additional mapping materials requested in the attached memorandum.

III. PROPOSED PROCEDURAL SCHEDULE

Due to the deficiencies noted above, Staff proposes that in lieu of a procedural schedule, the ALJ allow Belton time to cure the application deficiencies, and time for Staff to evaluate Belton's amended application and issue a third recommendation on administrative completeness and a proposed procedural schedule, if appropriate.

Therefore, Staff recommends that an order be issued directing Belton to cure the mapping deficiencies, as described in Staff's memo, no later than August 24, 2015. Staff proposes to evaluate the amended application and proposed notice, and issue a third recommendation on administrative completeness and propose a procedural schedule, if appropriate, no later than September 24, 2015.

IV. CONCLUSION

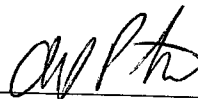
Staff has determined that Belton's application is administratively incomplete due to the deficiencies identified in Staff's memo. Staff respectfully requests that the ALJ issue an order reflecting the above request.

Dated: July 23, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division



Alexander Petak
Attorney-Legal Division
State Bar No. 24088216
(512) 936-7377
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 23, 2015 in accordance with 16 TAC § 22.74.



Alexander Petak

PUC Interoffice Memorandum

To: Alexander Petak, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Jolie Mathis, Engineering Specialist
Tracy Harbour, Cartographer
Water Utilities Division

SUBJECT: Docket No. 44646, Application of the City of Belton to Amend a Sewer Certificate and Convenience and Necessity in Bell County

DATE: July 24, 2015

On April 16, 2015, the City of Belton (Belton) filed with the Commission an application to amend its sewer certificate of convenience and necessity (CCN) No. 20444 in Bell County, Texas. Belton stated that there are no existing sewer utilities present in the proposed area, and that it is seeking single certification in order to serve the future development along the IH-35 corridor and the area west of the city, as demonstrated in its attached 2015 Wastewater Master Plan, and allow for the elimination of dependence of on-site sewage facilities. The Applicant did not submit adequate maps or digital data showing the proposed sewer CCN which the City of Belton wants to amend to sewer CCN No. 20444.

On May 27, 2015, Public Utility Commission of Texas (Commission) Staff filed comments regarding the administrative completeness of the application, stating that there were material deficiencies in the City of Belton's (Belton) application. The Applicant was ordered to file supplemental information to complete the application and cure the deficiencies identified by the Commission Staff on or before June 26, 2015.

On June 24, 2015, the Applicant submitted supplemental information, but did not submit adequate maps or digital data for the proposed sewer service area, which the City of Belton is seeking to amend to sewer CCN No. 20444. The proposed sewer service area overlaps with the City of Belton's certificated sewer CCN No. 20444, the proposed sewer service area for the City of Belton's pending Docket 44436 and the district boundary of Bell County MUD I (District No. 1218500).

The following items are needed to resolve the mapping deficiencies:

1. Submit revised small and large scale maps and digital data showing the same proposed sewer service area subject to this application by:
 - a. Removing the overlaps with the City of Belton's sewer CCN 20444 (Staff suggests Applicant use PUC's official CCN digital data to remove the overlaps with the City of Belton's certificated sewer CCN No. 20444);

- b. Removing the overlap with the proposed sewer service area subject to the City of Belton's pending Docket 44436; and
 - c. Removing the overlap with Bell County MUD I (District No. 1218500) or obtain an agreement with the district allowing the City of Belton to provide sewer service within the district boundary.
- 2. Submit revised maps with the revised proposed sewer service area subject to this application for the following:
 - a. A map showing the location of each request for sewer service located within the proposed sewer service area.
 - b. A map of the proposed facilities located within the proposed sewer service area including the following:
 - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's services; and
 - ii. any facilities, customers or area currently being served outside the applicant's certificated areas.