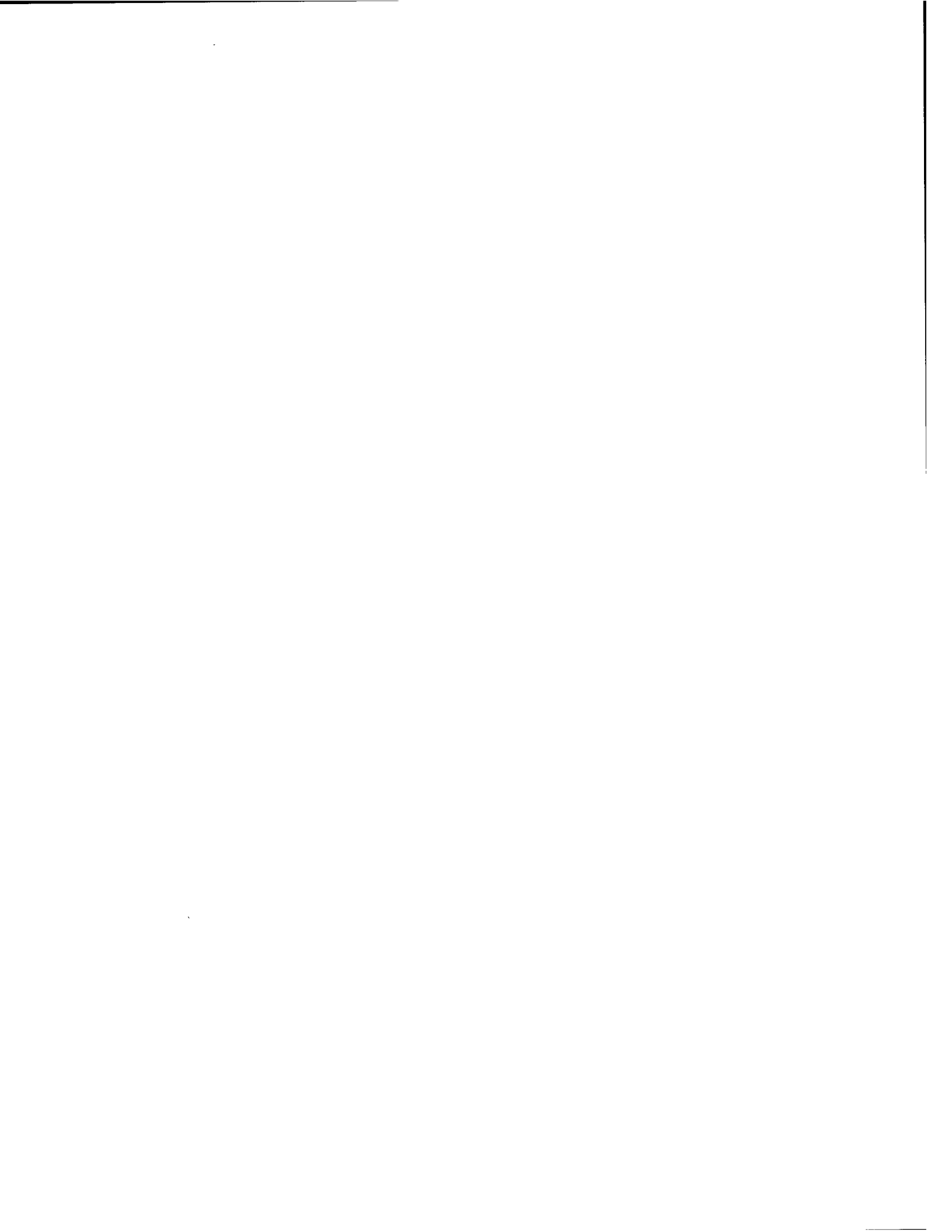


Control Number: 44820



Item Number: 14

Addendum StartPage: 0



DOCKET NO. 44820

**APPLICATION OF THE CITY OF
HACKBERRY FOR A SEWER
CERTIFICATES OF CONVENIENCE
AND NECESSITY IN DENTON
COUNTY**

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PUBLIC UTILITY COMMISSION
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OF
PUBLIC UTILITY COMMISSION
FILING CLERK
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 5, In Support thereof, Staff shows the following:

I. BACKGROUND

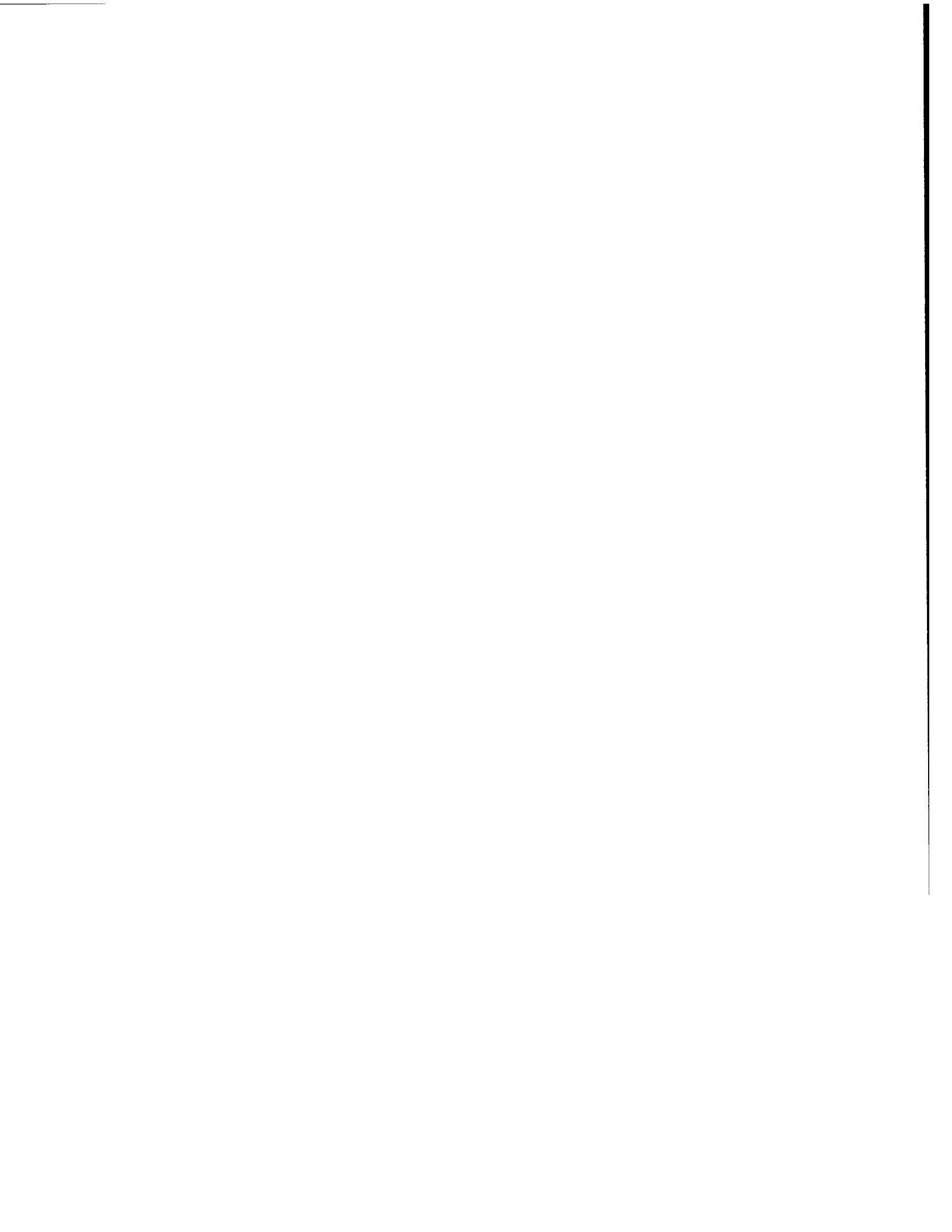
On June 9, 2015, City of Hackberry (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a new sewer certificate of convenience and necessity in Denton County. The proposed project consists of a new sewer system to serve an area of approximately 1,035 acres and 1,182 current customers. The proposed service area is located approximately six miles west of downtown Frisco, Texas.

Order No. 4 allowed the Applicant an extension of time until September 30, 2015 to cure deficiencies in the Application previously noted by Staff. The Applicant timely filed supplemental materials. Order No. 5 allowed Staff until November 13, 2015 to make sufficiency comments on the Applicant's supplemental filing. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY

As explained in the memorandum (Attachment A) of Heidi Graham and Tracy Harbour of the Water Utilities Division, Staff recommends that due to mapping deficiencies the Application remains insufficient for filing. Attachment A notes, among other things, that the Applicant must still submit large and small scale maps along with digital data. Therefore, Staff recommends that the Applicant be allowed until December 15, 2015 to cure the noted deficiencies and Staff be allowed until January 14, 2016 to make a supplemental recommendation.

14




III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

Respectfully Submitted,

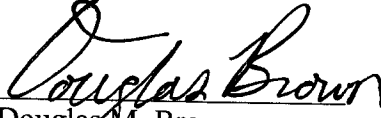
Margaret Uhlig Pemberton
Division Director
Legal Division

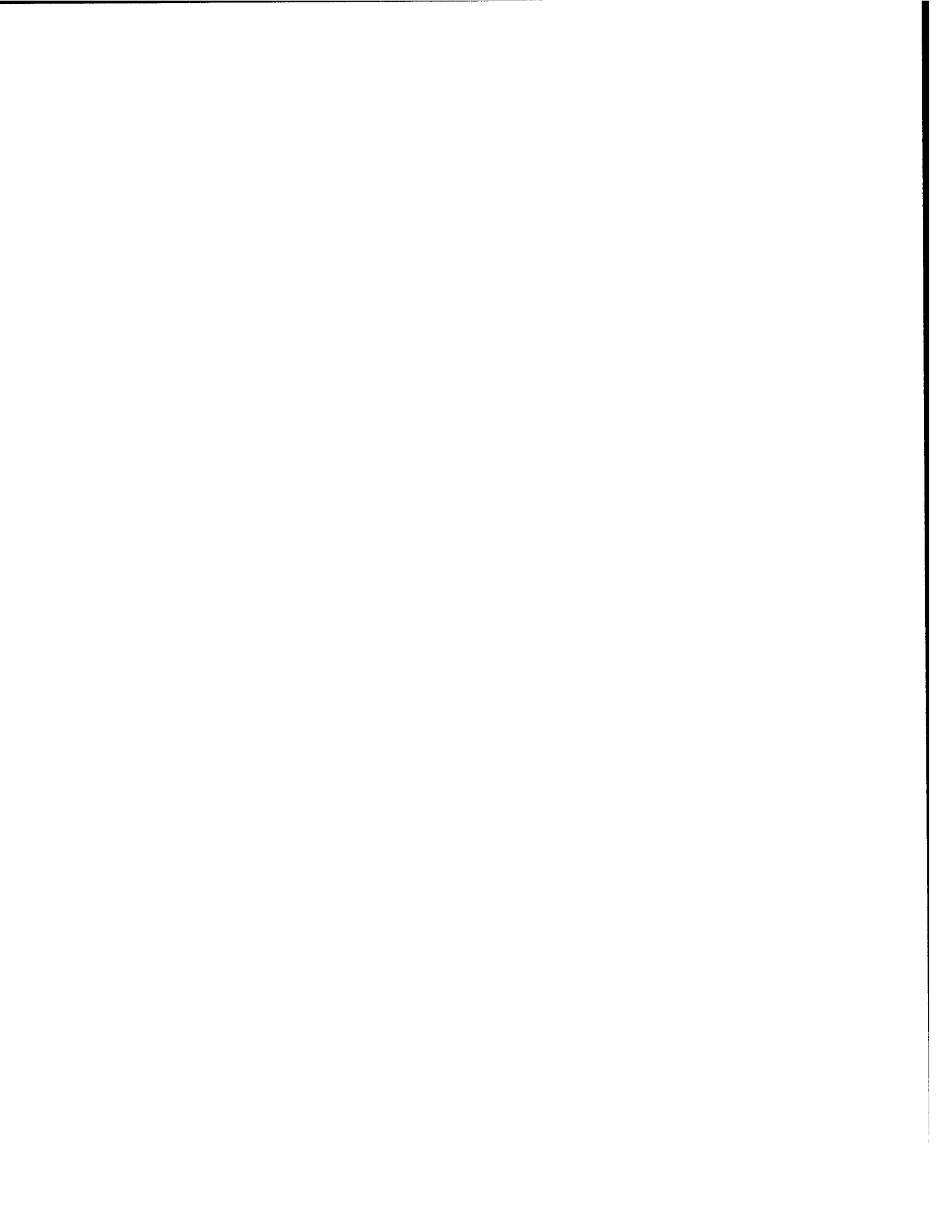
Stephen Mack
Managing Attorney
Legal Division


Douglas M. Brown
Attorney-Legal Division
State Bar No. 24048366
(512) 936-7602
(512) 936-7268 (facsimile)
douglas.brown@puc.texas.gov
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

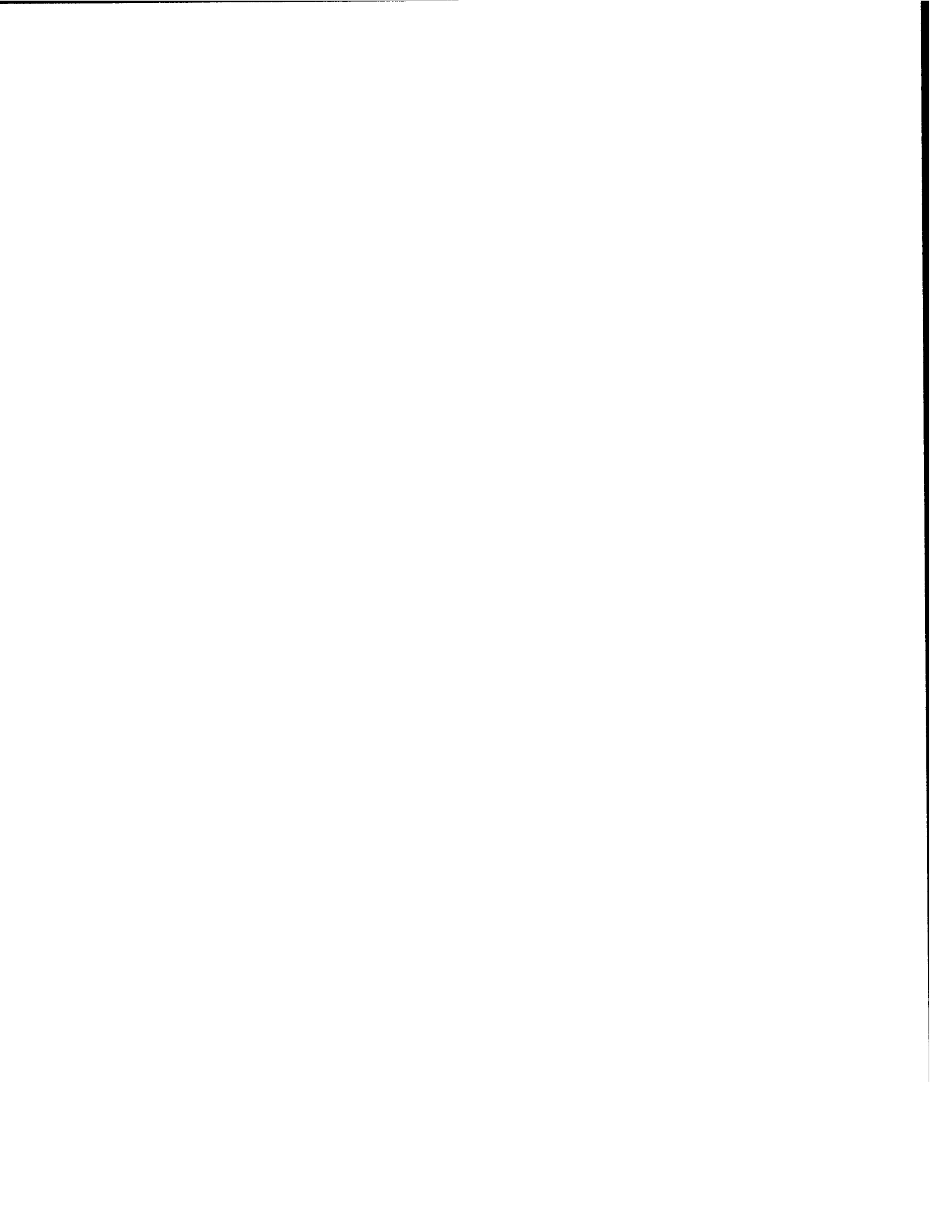
**DOCKET NO. 44820
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November, 13, 2015 in accordance with 16 Tex. Admin. Code § 22.74.


Douglas M. Brown



ATTACHMENT A



PUC Interoffice Memorandum

To: Doug Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utilities Division

From: Heidi Graham, Staff Engineer
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: November 9, 2015

Subject: Docket No. 44820: *Application of the City of Hackberry for a sewer Certificate of Convenience and Necessity (CCN) in Denton County*

On June 9, 2015, City of Hackberry (Applicant) filed an application with the Public Utility Commission of Texas (Commission) to obtain a sewer CCN in Denton County, pursuant to TEXAS Water Code Ann. (TWC) §§13.242-13.250 and 16 Texas Administrative Code (TAC) §§24.101-24.107.

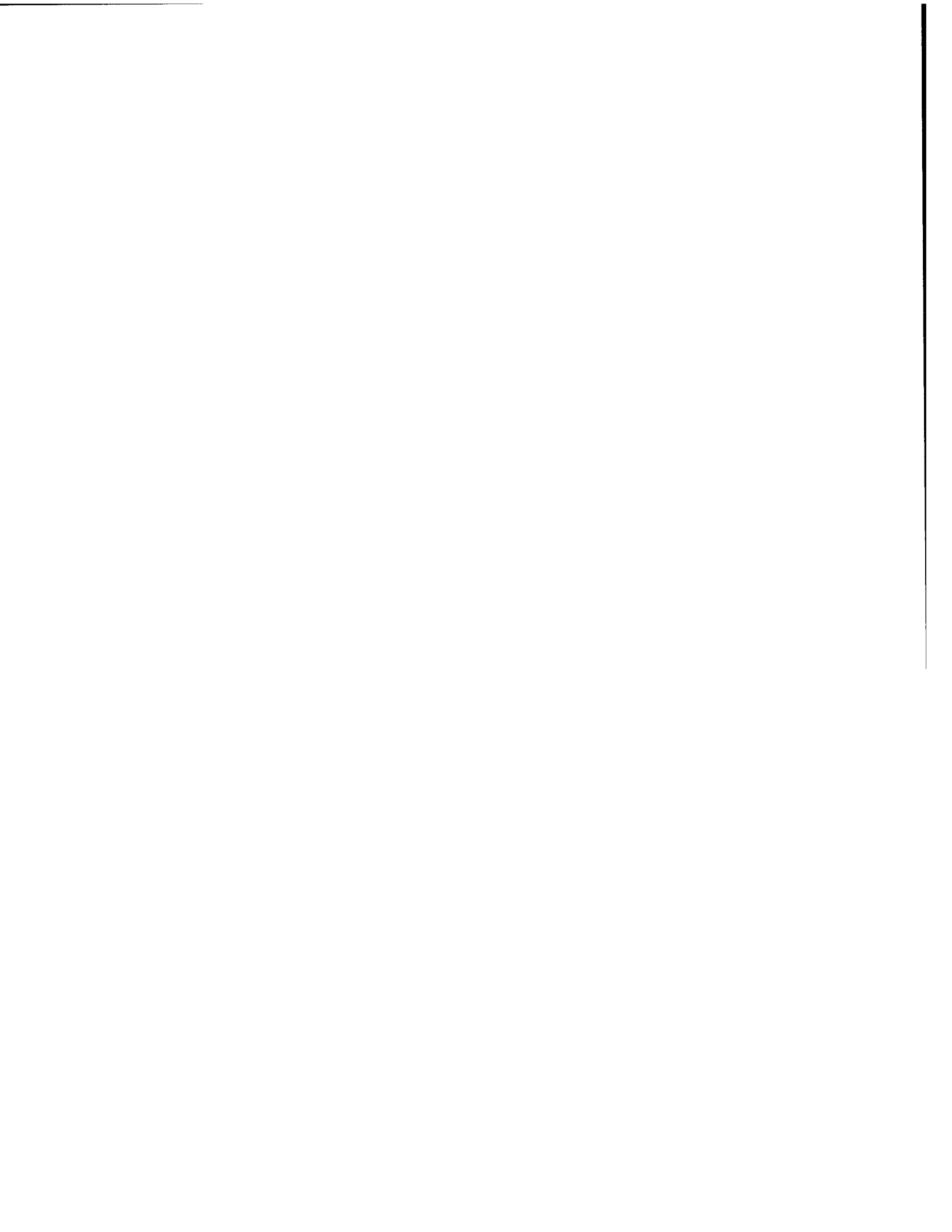
On September 30, 2015, the Applicant filed additional mapping information. Staff has reviewed the information provided by the Applicant and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content

The general location and large scale maps (Exhibit A and B) submitted do not clearly delineate the proposed service area in reference to surrounding roads, streets and highways. The maps appear reduced from their original size and do not clearly mark or label surrounding roads. After further review of the Applicant's proposed digital data in reference to PUC's official CCN data and the Applicant's digital data provided for nearby municipalities, Staff has determined there are still overlaps with the City of Frisco's CCN 20591, and the corporate boundaries of the City of Frisco, Town of Little Elm and The Colony.

The Applicant's agreement with the Town of Little Elm (20931) references a map (Exhibit C), which shows sewer CCN areas (20931) to be transferred to Hackberry. However, only a portion of these sewer CCN areas are included on the proposed maps and digital data requested in this application. The Applicant needs to clarify if their intent is to obtain the same sewer CCN areas from 20931 as marked on Exhibit C, with this application or not. If so, the Applicant must revise their proposed sewer service areas to include these areas as shown on their revised small and large scale maps, and digital data submitted with this application.

The Applicant should provide the following items to resolve the mapping deficiencies:



1. A revised general location (small scale) map only showing the proposed sewer service area with enough detail to accurately locate the service area within the nearest city, town or county. The map must revise the proposed service area by removing the overlap with the City of Frisco's sewer CCN No. 20591. Clearly label the proposed sewer service area and nearby roads on the revised map.
2. A revised large scale map only showing the proposed sewer service area with enough detail to accurately locate the service area in the vicinity of surrounding roads, streets, and highways. The map must revise the proposed service area by removing the overlap with the City of Frisco's sewer CCN No. 20591. Clearly label the proposed sewer service area and nearby roads on the revised map.
3. Revised digital data only including the proposed sewer service area in a drawing (DWG) file or shapefile (SHP) format on a data disk (CD). The revised digital data should correspond to the same proposed service area as shown on the revised small and large scale maps.
 - a. The revised digital data must remove the overlap with the City of Frisco (20591) or evidence of consent from the City of Frisco.
 - b. The proposed digital data must be a single, continuous polyline or polygon record, which is clearly labeled as the proposed service area.
 - c. The proposed digital data must include the projection or coordinate system used to create the digital data.

Technical Review:

The item listed below will be addressed during Staff's technical review of the application. Failure to provide the requested information may delay processing of the application.

- 1) The Applicant needs to submit written documentation from the following municipalities allowing the Applicant to provide retail sewer service within their corporate boundaries.
 - City of Frisco
 - Town of Little Elm
 - The Colony

