



Control Number: 44820



Item Number: 40

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

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PUBLIC UTILITY COMMISSION

OF

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PUBLIC UTILITY COMMISSION  
FILING CLERK

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### COMMISSION STAFF'S RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation. In Support thereof, Staff shows the following:

#### I. BACKGROUND

On June 9, 2015, City of Hackberry (City or 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.

The Applicant filed responses to Staff's request for information (RFI) on September 15th and 16th of 2016. Order No. 13 allowed Staff until September 27, 2016 to make a final recommendation or request a hearing.

#### II. RECOMMENDATION

As detailed in the attached memorandum of Patricia Garcia of the Water Utilities Division, the Applicant's RFI responses sufficiently addressed many of Staff's concerns. However, the memorandum also notes that there is a concern that Applicant's wastewater permit has not been timely renewed. Therefore, Staff is unable at this time to complete its technical review and make a final recommendation. Staff recommends that Applicant be allowed until October 18, 2016 to submit documentation to the Commission that its violation with the Texas Commission on Environmental Quality (TCEQ) has been cured. Staff respectfully requests that it be allowed until November 7, 2016 to make its final recommendation or request a hearing.

### **III. CONCLUSION**

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

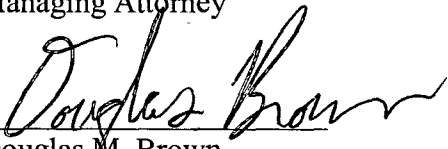
Respectfully Submitted,

**PUBLIC UTILITY COMMISSION**

**LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

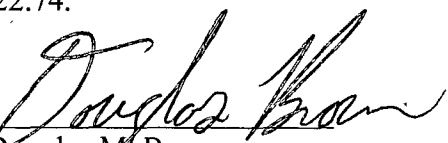
Stephen Mack  
Managing Attorney

  
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### **DOCKET NO. 44820 CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 27, 2016 in accordance with 16 Tex. Admin. Code § 22.74.

  
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Douglas M. Brown

## PUC Interoffice Memorandum

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**To:** Doug Brown  
Legal Division

**Thru:** Tammy Benter, Director  
Heidi Graham, Manager  
Lisa Fuentes, Manager  
Water Utilities Division

**From:** Patricia Garcia, Engineering Specialist  
Water Utilities Division

**Date:** September 26, 2016

**Subject:** **Docket 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 Tex. Water Code Ann. §§ 13.242-13.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-24.107 (TAC).

On July 28, 2016, Commission staff submitted a request for information (RFI) to the Applicant. The Applicant filed responses to the RFI and other documentation on September 15, and 16, 2016. The responses addressed the items listed below:

- 1) Violations noted in the TCEQ's Drinking Water Watch database for not providing the Public Notice for Total Coliform Rule for the months of September 2011 and October 2011.
- 2) A TCEQ wastewater system violation for "Failure to comply with the permitted effluent limitations" from August 2011.
- 3) TCEQ Enforcement Agreed Order signed on April 6, 2016.

A Staff review found the filed documentation adequately addressed the above referenced items. However, a subsequent review of the TCEQ's Central Registry database shows an August 2016, violation for "Failure to submit a permit renewal application at least 180 days before the expiration date of the effective permit". The Applicant's current permit will expire October 1, 2016. Staff has confirmed with the TCEQ's Water Quality Division that they do not have a pending renewal application from the Applicant. Staff recommends the Applicant contact the TCEQ for information on the renewal application process.