



Control Number: 44892



Item Number: 12

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DOCKET NO. 44892

**APPLICATION OF CITY OF LUBBOCK §
TO AMEND A CERTIFICATE OF §
CONVENIENCE OF TEXAS AND §
NECESSITY IN LUBBOCK COUNTY §**

PUBLIC UTILITY COMMISSION

OF TEXAS

**FILED PUBLIC UTILITY COMMISSION
FILING CLERK**

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STAFF'S SUPPLEMENTAL RESPONSE TO ORDER NO. 3

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental Response to Order No. 3. In support thereof, Staff shows the following:

I. Background

On June 30, 2015, the City of Lubbock (City) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience (CCN) No. 10627 in Lubbock County, Texas pursuant to Texas Water Code Ann. (TWC), §§13.242-.250 and the 16 Tex. Admin Code (TAC) §§24.101-107. On December 9, 2015, Staff filed a Response to Order No. 3 referencing a memorandum from Patricia Garcia, Staff Engineer and Tracy Harbour, GIS Specialist of the Water Utility Regulation Division that was not included with the filing. A copy of the memorandum has been attached to this supplemental filing.

II. Supplemental Recommendation on Administrative Sufficiency

Based on the attached memorandum from Patricia Garcia, Staff Engineer and Tracy Harbour, GIS Specialist of the Water Utility Regulation Division, Staff recommends that the application be deemed administratively incomplete and deficient and not accepted for filing due to the following deficiencies:

Mapping Content

The City's proposed area overlaps the service areas of the following entities:

- a. AIM Water (CCN No. 12526)
- b. Franklin Water Service (CCN No. 12374)
- c. City of Wolfforth

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d. Lubbock County WCID 1 (District No. 5530000); PWS ID 1520006;

Staff suggests the City use PUC's official CCN digital data to remove the overlaps with existing CCNs. The City must resolve the overlaps with the City of Wolfforth and Lubbock County WCID 1 by either obtaining written documentation acknowledging their agreement with the City to provide water service within their respective boundaries, or by removing the overlaps from the proposed digital data and the corresponding small and large scale maps. If the City opts to remove the areas of overlap with the City of Wolfforth and Lubbock County WCID 1, the City will need to submit revised digital data and revised small and large scale maps showing the same proposed water service areas.

Staff recommends the City submit the following to resolve the mapping deficiencies:

1. Revised small and large scale maps with corresponding revised digital data showing the same proposed water service areas subject to this application by:
 - a. Removing overlaps with existing CCNs including the City of Lubbock (10627), AIM Water (12526), and Franklin Water Service (12374);
 - b. Remove the overlap with the corporate boundaries of the City of Wolfforth, or obtain consent allowing the City to provide retail water service within its city limits; and
 - c. Remove the overlap with the district boundaries of Lubbock County WCID 1, or obtain consent allowing the City to provide retail water service within the district's boundaries.

Staff recommends the City discuss how to resolve the mapping deficiencies with PUC mapping staff. Processing of the application cannot proceed until the requested items are received and reviewed.

III. Proposed Procedural Schedule

Due to the deficiencies in the application, Staff does not recommend a procedural schedule for the evaluation of the merits of the application at this time. Pursuant to 16 TAC § 24.8(a), applications are not considered filed with the Commission until a determination of administrative completeness is made. Staff recommends that the City be given until January 11, 2016 to cure the

deficiencies identified in the attached memorandum. Staff proposes a deadline of February 9, 2016 for Staff to file additional comments regarding administrative completeness, along with a proposed procedural schedule if the application is deemed administratively complete.

IV. Conclusion

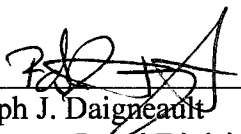
Staff respectfully requests that an order be issued consistent with this Response.

Dated: December 11, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director – Legal Division

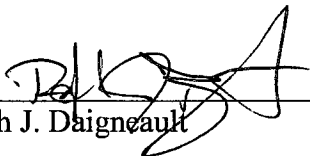
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 11, 2015, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

PUC Interoffice Memorandum

To: Ralph Daigneault
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Team Lead
Water Utility Regulation Division

From: Patricia Garcia, Staff Engineer
Tracy Montes, GIS Specialist
Water Utility Regulation Division

Date: December 9, 2015

Subject: **Docket 44892**, *Application of City Of Lubbock to Amend a Certificate of Convenience of Texas and Necessity in Lubbock County*

On June 30, 2015, the City of Lubbock (City) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience (CCN) No. 10627 in Lubbock County, Texas pursuant to Texas Water Code Ann. (TWC), §§13.242-.250 and the 16 Tex. Admin Code (TAC) §§24.101-.107.

Staff reviewed the additional documentation provided by the City, in response to Order No. 3, and recommends that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content

The City's proposed area overlaps the service areas of the following entities:

- a. AIM Water (CCN No. 12526)
- b. Franklin Water Service (CCN No. 12374)
- c. City of Wolfforth
- d. Lubbock County WCID 1 (District No. 5530000); PWS ID 1520006;

Staff suggests the Applicant use PUC's official CCN digital data to remove the overlaps with existing CCNs. The Applicant must resolve the overlaps with the City of Wolfforth and Lubbock County WCID 1 by either obtaining written documentation acknowledging their agreement with the City to provide water service within their respective boundaries, or by removing the overlaps from the proposed digital data and the corresponding small and large scale maps. If the City opts to remove the areas of overlap with the City of Wolfforth and Lubbock County WCID 1, the Applicant will need to submit revised digital data and revised small and large scale maps showing the same proposed water service areas.

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