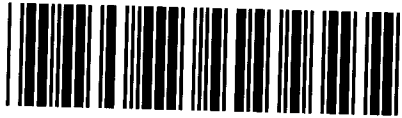




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DOCKET NO. 44892

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

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2016 FEB -8 PM 2:49
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S REQUEST FOR GOOD CAUSE EXCEPTION AND
EXTENSION OF TIME**

The Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, files this Request for Good Cause Exception and Extension of Time. In support thereof, Staff shows the following:

I. Background

On June 30, 2015, the City of Lubbock (the 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 11, 2015, Staff filed a Supplemental Response to Order No. 3 identifying deficiencies in the City's application and recommending the application be found administratively incomplete and deficient. On December 15, 2015, Order No. 4 was issued finding the application incomplete and deficient and requiring Staff to file a supplemental recommendation on the administrative completeness of the amended application by February 9, 2016. Accordingly, this pleading is timely filed.

II. Request for Good Cause Exception and Extension of Time

Staff has identified the following remaining deficiencies in the City's application:

Mapping Content

The City's proposed service areas overlaps the certificated service areas and district boundary of the following entities:

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

Staff suggested the City use PUC's official CCN digital data to remove the overlaps with existing CCNs. The City must resolve the overlap with Lubbock County WCID 1 by obtaining written documentation acknowledging their agreement with the City to provide retail water service within their district boundary. Staff is unable to determine if the revised proposed water service areas on hard copy maps corresponds to the same boundaries provided with the revised digital data filed on January 22, 2016.

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

1. A revised general location (small scale) map only showing the proposed water service areas with enough detail to accurately locate the service area within the nearest city, town or county.
2. A revised large scale (detailed) map only showing the proposed water service areas with enough detail to accurately locate the service areas in reference to verifiable man-made and natural landmarks such as roads, railroads or rivers.
3. Revised digital data for the proposed water service areas after removing the overlaps with existing CCNs including AIM Water (12526) and Franklin Water Service (12374).
4. Obtain written documentation allowing the City to provide retail water service within the district's boundaries of Lubbock County WCID.

Staff recommends that the City discuss how to resolve the mapping deficiencies with PUC mapping staff, noting that processing of the application could not proceed until the requested items are received and reviewed.

Pursuant to 16 TAC § 22.4(b), a party may request the time for filing any documents to be extended for good cause. Staff has requested further clarification from the City regarding the mapping deficiencies identified in Staff's December 11, 2015 filing that is determinative of sufficiency. Staff and the City are in the process of resolving the issue, and the City is currently discussing the mapping deficiencies with PUC mapping staff. Although Staff expects that the issue will be resolved shortly, Staff requests a good cause exception pursuant to 16 TAC § 22.4(b) that will allow Staff to file supplemental recommendation on the administrative completeness of the amended application by March 11, 2016, or propose an updated procedural schedule.

III. Conclusion


Staff respectfully requests that an order be issued allowing Staff to file a supplemental recommendation on March 11, 2016.

Dated: February 8, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director – Legal Division

Karen S. Hubbard
Managing Attorney – 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 February 8, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault