



Control Number: 44892



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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**

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**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION FINDING  
AMENDED APPLICATION ADMINISTRATIVELY INCOMPLETE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental Recommendation finding the amended application administratively incomplete. 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 October 28, 2015, the City filed an amended application to amend its water CCN No. 10627 and its sewer CCN No. 20230.

On February 10, 2016, Order No. 6 was issued extending the deadline for Staff to file a supplemental recommendation regarding the administrative completeness of the amended application and notice along with a proposed procedural schedule to March 11, 2016. Accordingly, this pleading is timely filed.

**II. Supplemental Recommendation on Administrative Sufficiency**

As supported by 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. Staff held discussions with the Applicant on March 11, 2016, and has confirmed the Applicant's intent of the application is to amend both the water and sewer CCN areas. Since the existing water and sewer CCN service areas for the City are different, and the Applicant has not filed proposed sewer

CCN maps with this application, Staff recommends the City submit the following items for the proposed sewer service area to resolve the mapping deficiencies:

### **Mapping Content**

1. A small scale (general location) map only showing the proposed sewer service area with enough detail to locate the service area in the vicinity of the nearest town, city, or county.
2. A large scale (detail) map only showing the proposed sewer service area with enough detail to accurately locate the service area in reference to verifiable man-made and natural landmarks such as roads, rivers, and railroads.
3. Digital data for the proposed sewer service area in a shapefile (SHP) file format on a data disk (CD). Seven copies of the CD must be enclosed. The digital data must remove any overlaps with existing sewer CCNs and/or corporate boundaries.
  - a. The digital data must include a single, continuous polygon record, which is clearly labeled as the “proposed.”
  - b. The digital data must be preset to the Texas Statewide Mapping System projection.
  - c. Label CDs with the utility name and docket number assigned.
  - d. The digital data must show the same proposed sewer service area as shown on the small and large scale maps.
4. State the approximate total acreage for the proposed sewer service area.

### **Technical Content**

The Applicant has not filed facility maps showing proposed and existing water and sewer facilities or locations of requests for water and sewer service maps. Staff recommends the City file the following maps as described below:

1. Separate maps for the updated proposed water and sewer service areas showing the location of the following:
  - a. all facilities, illustrating separately, facilities for production, transmission, and distribution;
  - b. any facilities, customers, or area, currently being served outside the applicant’s certificated areas; and
  - c. maps showing the location of requests for water and sewer services within uncertificated service areas.

Lastly, the proposed water and sewer service areas overlap with Lubbock County WCID 1's district boundary. The City must provide documentation signed by Lubbock County WCID allowing the City to provide retail water and sewer services 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 April 8, 2016 to cure the deficiencies identified in the attached memorandum. Staff proposes a deadline of May 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 Recommendation.

**Dated: March 11, 2016**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director – Legal Division

Karen S. Hubbard  
Managing Attorney – Legal Division

A handwritten signature in black ink, appearing to read "R. Daigneault", is written over a horizontal line.

Ralph J. Daigneault  
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Austin, Texas 78711-3326

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 11, 2016, in accordance with 16 TAC § 22.74.

 for  
\_\_\_\_\_  
Ralph J. Daigneault

## PUC Interoffice Memorandum

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**To:** Ralph Daigneault  
Legal Division

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

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

**Date:** March 11, 2016

**Subject:** **Docket 44892**, *Application of City of Lubbock to Amend its Certificates of Convenience and Necessity (CCN) in Lubbock County*

On June 30, 2015, City of Lubbock (City) filed with the Public Utility Commission of Texas (Commission) an application to amend its amend its water Certificate of Convenience and Necessity (CCN) No. 10627 and sewer CCN No. 20230 in Lubbock County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§24.101 to 24.107.

A Staff review of the additional information filed by the applicant on March 3, 2016, found that it is deficient in the required mapping information. Staff recommends that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

### **Mapping Content**

After discussions with the Applicant on March 11, 2016, Staff has confirmed the Applicant's intent of the application is to amend both the water and sewer CCN areas. Since the existing water and sewer CCN service areas for the City are different and the Applicant has not filed proposed sewer CCN maps with this application, Staff recommends the City submit the following items for the proposed sewer service area to resolve the mapping deficiencies:

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Lastly, the proposed water and sewer service areas overlap with Lubbock County WCID 1's district boundary. The City must provide documentation signed by Lubbock County WCID allowing the City to provide retail water and sewer services within the district's boundaries.