



Control Number: 44892



Item Number: 45

Addendum StartPage: 0

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

PUBLIC UTILITY COMMISSION

OF TEXAS

 RECEIVED  
 2017 FEB 21 AM 9:03  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK

## COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

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

### I. Background

On June 30, 2015, the City of Lubbock (Lubbock) 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. §§13.242-.250 (TWC) and the 16 Tex. Admin Code §§24.101-107 (TAC). On October 28, 2015, the City filed an amended application to amend its water CCN No. 10627 and its sewer CCN No. 20230.

On January 3, 2017, Staff recommended approval of the application. On February 10, 2017, Order No. 14 was issued requiring clarification on the application by February 24, 2017 regarding consent from Lubbock County Water Control & Improvement District (WCID) #1. Accordingly, this pleading is timely filed.

### II. Clarification

On February 8, 2016 and March 11, 2016, Staff identified deficiencies in the application, recommending that the application remain administratively incomplete. Commission Staff stated that in order to complete its technical review, among other things, the City must provide documentation signed by Lubbock WCID allowing the City to provide retail water and sewer services within the district's boundaries. The City of Lubbock responded on March 3, 2016, that the area proposed in the application to be added to the City's CCN does not fall within the current boundaries of the WCID, and that consent from the WCID was not required. On April 8, 2016, the City argued against Commission Staff's position that the City obtain the consent of the WCID, and requested that Staff withdraw the requirement of obtaining consent from the Lubbock County

WCID #1. On May 10, 2017, Order No. 8 was issued finding the application administratively complete and sufficient, but without further mention of Lubbock County WCID #1

Staff reviewed the district boundaries and Texas Commission on Environmental Quality (TCEQ) maps and, as supported by the attached memorandum of Patricia Garcia, Engineering Specialist, and Tracy Montes, GIS Specialist in the Commission's Water Utilities Division, Staff determined that consent is not required from Lubbock County WCID # 1 for Lubbock's proposed CCN amendment application. After the application was deemed administratively complete, Staff worked with Lubbock to help them correct the location of the district boundary for Lubbock County WCID #1 as shown on TCEQ maps. After the location of the district boundary was corrected on TCEQ maps in June of 2016 along with Lubbock's filing on April 8, 2016, Staff was able to determine that the corrected location of the district boundary no longer overlapped the City of Lubbock's proposed boundary. However, these findings were inadvertently left off of the final recommendation.

Therefore, Staff has determined that consent is not required from Lubbock County WCID # 1 for the City of Lubbock's proposed CCN amendment application.

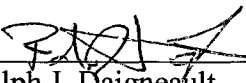
**Dated: February 21, 2017**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

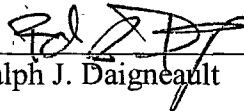
Karen S. Hubbard  
Managing Attorney

  
\_\_\_\_\_  
Ralph J. Daigneault  
State Bar No. 24040755  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7348  
(512) 936-7268 (facsimile)  
[ralph.daigneault@puc.texas.gov](mailto:ralph.daigneault@puc.texas.gov)

**DOCKET NO. 44892**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 21, 2017, in accordance with 16 TAC § 22.74.

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

## PUC Interoffice Memorandum

---

**To:** Ralph Daigneault  
Legal Division

**Through:** Tammy Benter, Director  
Lisa Fuentes, Team Lead  
Heidi Graham, Team Lead  
Water Utility Regulation

**From:** Patricia Garcia, Engineering Specialist  
Tracy Montes, GIS Specialist  
Water Utility Regulation

**Date:** February 21, 2017

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

On June 30, 2015, City of Lubbock (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend and decertify portions of its water Certificate of Convenience and Necessity (CCN) No. 10627 and its 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.

On January 3, 2017, Staff recommended approval of the application. On February 10, 2017, the Commission requested clarification on the application regarding consent from Lubbock County Water Control & Improvement District (WCID) No. 1, previously requested in orders dated February 8, 2016, and March 11, 2016, finding the application administratively incomplete. When the order was determined to be administratively complete on May 9, 2016, there was no mention of the required consent from Lubbock County WCID No. 1.

After the application was deemed administratively complete, Staff worked with the Applicant to help them correct the location of the district boundary for Lubbock County WCID No. 1 as shown on Texas Commission on Environmental Quality (TCEQ) maps. After the location of the district boundary was corrected on TCEQ maps in June of 2016, along with the Applicant's filings on March 3, and April 8, 2016, Staff was able to determine that the corrected location of the district boundary no longer overlapped the City of Lubbock's proposed boundary. However, these findings were inadvertently left off of the final recommendation. Therefore, Staff has determined that consent is not required from Lubbock County WCID No. 1 for the City of Lubbock's proposed CCN amendment application.