



Control Number: 44892



Item Number: 5

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**DOCKET NO. 44892**

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

2015 JUL 10 AM 9:06  
LUBBOCK COUNTY  
CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No.1. In support of this Response, Staff shows the following:

**I. BACKGROUND**

On June 30, 2015, the City of Lubbock (City) filed an application with the Public Utility Commission of Texas (Commission) to amend its water certificate of convenience and necessity (CCN) No. 10627 in Lubbock County, Texas. The City seeks to amend its CCN to include all of the current area within the City limits of Lubbock and city-owned properties as of June 1, 2015.<sup>1</sup> The City plans to provide "normal water and sewer service to the citizens of Lubbock within the city limits, estimated population within the new expansion is 25,000."<sup>2</sup> The Application form completed by the City is entitled "Application to Obtain or Amend a Certificate of Convenience and Necessity (CCN) Under Water Code 13.255."<sup>3</sup>

On July 7, 2015, the Commission issued order No. 1, which required the City and Staff to file comments/recommendation regarding how this application should be processed and propose a procedural schedule. Therefore, this filing is timely.

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<sup>1</sup> *Application of the City of Lubbock to Amend a Certificate of Convenience and Necessity in Lubbock County* at 1.

<sup>2</sup> *Id.* at 2

<sup>3</sup> *Id.*

## **II. STAFF'S RECOMMENDATION THAT APPLICATION BE FOUND DEFICIENT.**

As detailed in the attached memorandum of Lisa Fuentes, Patricia Garcia, and Tracy Harbour of the Water Utilities Division (Memorandum), Staff recommends that the Application be found deficient for two reasons: (1) the Application was submitted on the wrong form, and (2) the mapping is deficient.

The City submitted its application on a form designed for applications under 30 TWC § 13.255. 13.255 is a unique form for a municipality to amend a CCN by applying for single certification in its annexed or incorporated areas by taking over a CCN held by a retail public utility that provides water or sewer service to all or part of the area pursuant to a CCN. There is no indication that what the City is requesting has any relation to taking over a CCN held by another retail public utility that provides water or sewer service with the boundaries of the municipality. In fact, in the area of the application where the name of the retail public utility holding the CCN that the City wants to take over is to be listed, the City entered its own name.<sup>4</sup> As detailed in the Memorandum, Staff recommends that the Applicant be required to complete the correct application form for obtaining or amending a CCN. The application forms are designed to produce information that is necessary to process the application. Staff recommends that the City be ordered to amend its application by completing the correct form (Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity).

The City also provided deficient mapping. In order to process a CCN amendment application accurate mapping must be submitted.<sup>5</sup> As detailed in the attached Memorandum, the staff recommends that the Commission issue an order requiring the City to provide additional mapping information. Specifically, Staff requests that the Applicant be ordered to provide the following:

1. A small scale (general location) map showing only the proposed service area with enough detail to accurately locate the service area within the nearest city, town or county. Clearly label the proposed service area on the revised map.
2. A large scale (detailed) map showing only the proposed service area with enough detail to accurately locate the service area in the vicinity of surrounding roads, streets, and highways. Clearly label the proposed service area on the revised map. Must be able to

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<sup>4</sup> *Id.* at 2

<sup>5</sup> 13 TWC § 13.244.

distinguish between the proposed service area and any city limit boundaries added to the map.

3. Digital data including only the proposed service area in a drawing (DWG) file format on a data disk (CD). The digital data should correspond to the same proposed service area as shown on all hard copy maps submitted with the application.
  - a. The proposed digital data must be a single, continuous polyline or polygon record, which is clearly labeled as the proposed service area.
  - b. The proposed digital data must include the projection or coordinate system used to create the digital data.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff recommends that the Commission issue an order adopting the following procedural schedule:

Deadline for City to amend the application by filing an Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity and to provide the supplementary mapping information described in this pleading.	<b>August 30, 2015</b>
Deadline for Staff to file a supplemental recommendation on the amended application.	<b>September 30, 2015</b>

#### IV. CONCLUSION

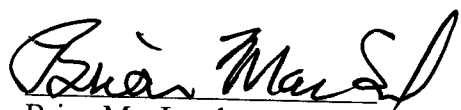
Staff requests that the Commission enter an order consistent with this pleading.

**DATE: July 30, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Shelah J. Cisneros  
Managing Attorney  
Legal Division

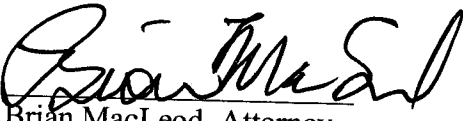
A handwritten signature in black ink, appearing to read "Brian MacLeod", written over a horizontal line.

Brian MacLeod  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 30, 2015 in accordance with 16 TAC § 22.74.

  
Brian MacLeod, Attorney

## PUC Interoffice Memorandum

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**To:** Brian MacLeod  
Legal Division

**Thru:** Tammy Benter, Director  
Water Utilities Division

**From:** Lisa Fuentes, Work Leader  
Patricia Garcia, Staff Engineer  
Tracy Harbour, GIS Specialist  
Water Utilities Division

**Date:** July 24, 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. Order No. 1 requested that Staff provide a recommendation regarding administrative completeness of this application by July 30, 2015.

The City's application was submitted on the incorrect form; therefore, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete.

Staff further recommends the City of Lubbock submit the correct CCN application, *Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity*. The application, and instructions on completing the application, can be found on the Commission website:

<http://www.puc.texas.gov/industry/water/Forms/Forms.aspx>

### **Mapping Content**

A Staff review of the mapping content, found that it is deficient in the required mapping information. To cure the mapping deficiencies the applicant must submit the following:

1. A small scale (general location) map showing only the proposed service area with enough detail to accurately locate the service area within the nearest city, town or county. Clearly label the proposed service area on the revised map.
2. A large scale (detailed) map showing only the proposed service area with enough detail to accurately locate the service area in the vicinity of surrounding roads, streets, and highways. Clearly label the proposed service area on the revised map. Must be able to distinguish between the proposed service area and any city limit boundaries added to the map.
3. Digital data including only the proposed service area in a drawing (DWG) file format on a data disk (CD). The digital data should correspond to the same proposed service area as shown on all hard copy maps submitted with the application.
  - a. The proposed digital data must be a single, continuous polyline or polygon record, which is clearly labeled as the proposed service area.
  - b. The proposed digital data must include the projection or coordinate system used to create the digital data.