



Control Number: 44892



Item Number: 8

Addendum StartPage: 0

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**

STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2. 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 July 31, 2015, Order No. 2 was issued finding the application administratively incomplete and deficient. Order No. 2 required the City to amend its application to cure the deficiencies noted by Staff by August 30, 2015. The City submitted revisions on August 24, 2015. Order No. 2 also required Staff to file a recommendation on the administrative completeness of the amended application by September 30, 2015. Accordingly, this pleading is timely filed.

II. 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:

Application Content

1. Correct/clarify "Purpose of Application" on page 2 of 25, of the application. The City's water CCN number is shown in both water and sewer amendment options.
2. Submit a copy of the Comprehensive Compliance Investigation (CCI) for the water portion of the system. Staff notes the City submitted a sewer CCI.

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 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.
2. Submit a complete list of neighboring entities including all utilities, districts, municipalities, and counties located within a 2-mile buffer of the proposed water

service areas. Also, include the groundwater conservation districts located within the requested proposed water service areas.

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 October 30, 2015 to cure the deficiencies identified in the attached memorandum. Staff proposes a deadline of December 9, 2015 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: September 30, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director – Legal Division

Karen S. Hubbard
Managing Attorney – Legal Division

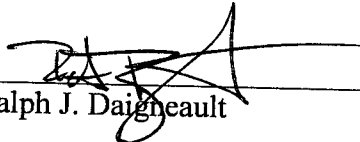


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 30, 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, Work Leader
Water Utility Regulation Division

From: Patricia Garcia, Staff Engineer
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: September 28, 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.

Order No. 1 established deadlines for Staff to respond to the application. Staff provided a response and Order No. 2 was issued finding the City's application to be deficient. The City was given a deadline of August 31, 2015 to cure the deficiencies in the application. The City submitted revisions on August 24, 2015. A deadline of September 30, 2015, was established for Staff to file a recommendation on the administrative completeness of the application.

Staff reviewed the additional documentation provided by the City, in response to Order No. 2, and recommends that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

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