

Control Number: 44947



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DOCKET NO. 44947

**APPLICATION OF DENTON COUNTY
MUNICIPAL UTILITY DISTRICT NO.
7 TO OBTAIN WATER AND SEWER
CERTIFICATES OF CONVENIENCE
AND NECESSITY IN DENTON COUNTY**

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PUBLIC UTILITY COMMISSION
2015 AUG 17 14
PUBLIC UTILITY COMMISSION
FILING 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 Commission Staff's Response to Order No. 1, and would show the following:

I. BACKGROUND

On July 16, 2015, Denton County Municipal Utility District No. 7 (Denton County MUD 7) filed an application to obtain new water and sewer certificates of convenience and necessity in Denton County, Texas pursuant to Tex. Water Code (TWC) Subchapter G and 16 Tex. Admin. Code (TAC) Subchapter G. Denton County MUD 7 is seeking dual certification with Mustang Special Utility District.¹ In its application, Denton County MUD 7 included an Agreement for Dual Certification whereby Mustang Special Utility District consents to the dual certification.²

In Order No. 1, issued July 23, 2015, Staff was given a deadline of August 17, 2015 to file comments on the administrative completeness of the application and notice, and propose a procedural schedule. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Denton County MUD 7's application and, as supported by the attached memorandum of Jolie Mathis and Tracy Montes of the Water Utilities Division, Staff recommends that there are material deficiencies in the application that make it not administratively complete. Specifically: 1) a portion of the requested water service area overlaps with Aqua Texas Inc.'s water CCN No. 13201, Mobberly MUD, Talley Ranch WCID 1 of Denton County, and the City of Celina's corporate boundaries; and 2) Denton County MUD 7's total acreage stated in its notice documents does not match the total acreage included with the metes and bounds description or digital data submitted for the proposed water and sewer service areas. Staff further notes that

¹ Application at 4.

² *Id.*

Denton County MUD 7 states in its application that the proposed water and sewer service areas should match the district boundary for Denton County MUD 7. However, the maps and digital data submitted do not match the district boundary as shown in Texas Commission on Environmental Quality's (TCEQ) Water Districts Map Viewer.

In order to cure the identified deficiencies, Staff recommends that Denton County MUD 7 provide revised digital data and a large scale map delineating both the proposed water and sewer service areas, and the updated acreage for both the entire proposed water and proposed sewer service areas after the removal of any or all of the overlapping entities noted above. Additionally, Staff recommends that if it is Denton County MUD 7's intent for the proposed water and sewer service areas to match the district boundary for Denton County MUD 7, it should submit revised small and large scale maps, and digital data.

16 TAC § 24.8(a) provides that, if material deficiencies exist in an application for a certificate of convenience and necessity, the application may be rejected. Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the application and notice are both administratively complete. Staff has identified deficiencies in the application and cannot complete its administrative review of the application until the deficiencies are cured. Therefore, Staff recommends that the application be found not administratively complete pursuant to TWC Subchapter G and 16 TAC Subchapter G. Staff respectfully requests that Denton County MUD 7 be given until September 18, 2015 to cure these deficiencies in its application, and that Staff be given until October 14, 2015 to review Denton County MUD 7's supplemental materials and file additional comments on the administrative completeness of the revised application. Staff further recommends that Denton County MUD 7 be directed to not publish notice of the application until the maps, digital data, notice documents, and a five-mile list of entities have been approved by Staff.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the application be found not administratively complete due to deficiencies in the mapping and application information supplied by Denton County MUD 7. Accordingly, Staff has not proposed a procedural schedule at this time.

IV. CONCLUSION

For the reasons stated above, Staff respectfully requests that an order be issued finding Denton County MUD 7's application not administratively complete and order Denton County MUD 7 to cure the deficiencies on or before September 18, 2015, and giving Staff until October 14, 2015 to review Denton County MUD 7's amended application and file a supplemental recommendation.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record August 17, 2015, in accordance with 16 TAC § 22.74.



Erika Banks

PUC Interoffice Memorandum

To: Erika Banks, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Jolie Mathis, Engineering Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

SUBJECT: Docket No. 44947, Application of Denton County Municipal Utility District No. 7 to obtain Water and Sewer Certificates of Convenience and Necessity in Denton County

DATE: August 14, 2015

On July 16, 2015, Denton County Municipal Utility District No. 7 (Denton County MUD) filed with the Public Utility Commission of Texas (Commission) an application to obtain new water and sewer certificates of convenience and necessity in Denton County, Texas.

A portion of the proposed water service area requested overlaps slightly with Aqua Texas Inc.'s water CCN No. 13201. Tract 1 of the proposed water and sewer service areas overlaps slightly with Mobberly MUD, Talley Ranch WCID 1 of Denton County, and the City of Celina's corporate boundaries. If these overlaps are unintentional, the Applicant must submit revised maps and digital data removing these overlaps from their proposed water and sewer service areas. If the Applicant does intend on overlapping with these entities, they must submit agreements with these entities to allow the overlap.

The Applicant states the proposed water and sewer service areas should match the district boundary for Denton County MUD No. 7. However, the maps and digital data submitted for the proposed water and sewer service areas do not match the district boundary as shown in Texas Commission on Environmental Quality's Water Districts Map Viewer. If the Applicant's intent is for the proposed water and sewer service areas to match the district boundary for Denton County MUD No. 7, then Staff suggests the Applicant submit revised small and large scale maps, and digital data.

The Applicant's total acreage stated in their notice documents does not match the total acreage included with the metes and bounds description or digital data submitted for the proposed water and sewer service areas. After the Applicant resolves the overlaps with the proposed water and sewer service areas, they must clarify the total acreage requested with this application.

Based on review of the information in the application, Staff recommend that the application be deemed insufficient for filing due to these deficiencies. In order to cure these deficiencies, Staff recommends the Applicant submit the following information:

1. A revised large scale (detail) map only delineating the proposed water and sewer service areas with enough detail to accurately locate the service areas in the vicinity of surrounding roads, streets and highways.
 - a. If the proposed water and sewer service areas should include both Tracts 1 and 2, then update the map title to "Proposed Water and Sewer Maps for Denton County MUD No. 7."
 - b. If proposed water and sewer service areas are not the same, then label each tract as either the proposed water or the proposed sewer service area. Submit one large scale map for the proposed water and one large scale map for the proposed sewer.
2. Submit revised digital data including both the proposed water and sewer service areas in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD), which corresponds to the same proposed water and sewer service areas as shown on all hard copy maps.
 - a. The proposed digital data must include the projection or coordinate system used to create the digital data.
 - i. If submitting a drawing (DWG) formatted file, include the coordinate system in a text file or add to the label on the CD.
 - ii. If submitting a SHP formatted file, include the projection (PRJ) file.
 - iii. Submit two CD's labeled with the utility name and docket number assigned.
 - b. Label the polygons or polylines as either the "proposed water," or the "proposed sewer."
3. Submit the updated acreage for both the entire proposed water and the entire proposed sewer service areas requested with this application after the removal of any or all of the overlapping entities noted above.