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DOCKET NO. 44950

APPLICATION OF CITY OF MOUNT §
PLEASANT FOR AMENDMENT TO §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TITUS COUNTY §

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OF TEXAS
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**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
SUFFICIENCY OF APPLICATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Supplemental Recommendation on Sufficiency of Application. In support thereof, Staff shows the following:

I. BACKGROUND

On July 16, 2015, City of Mount Pleasant (Mount Pleasant) filed with the Commission an application to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 10509 and 20196 in Titus County, Texas. The total area being requested includes approximately 2,222.26 acres and 47 current customers. Notice of the application appeared in the August 7, 2015 issue of the *Texas Register*.

In Order No. 1, issued July 22, 2015, Staff was ordered to file a recommendation on the administrative completeness of the application, the proposed notice and to file a procedural schedule. In Order No. 2, the administrative law judge (ALJ) found the application administratively incomplete, gave Mount Pleasant an opportunity to cure and ordered Staff to file a supplemental recommendation on the application by October 16, 2015. This pleading is therefore timely filed.

II. RECOMMENDATION

Staff has reviewed the application and the supplemental materials filed by Mount Pleasant on September 17, 2015 and October 8, 2015. Staff continues to recommend the applicant be found deficient, as supported by the attached memorandum of Fred Bednarski and Tracy Harbour of the Water Utilities Division. Staff recommends that Mount Pleasant be ordered to correct and supplement its mapping and application content as described in the attached memorandum. This additional information is required before a recommendation on the proposed notice can be made.

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III. PROCEDURAL SCHEDULE

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

Deadline for Mount Pleasant to amend its application to in order to cure the deficiencies identified by Staff	November 16, 2015
Deadline for Staff to file a supplemental recommendation on the amended application	December 16, 2015

IV. CONCLUSION

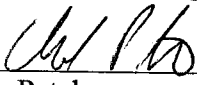
Staff respectfully requests the entry of an order consistent with the above recommendation.

Dated: October 16, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division

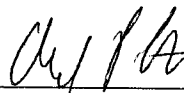


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record October 16, 2015, in accordance with 16 Texas Admin. Code § 22.74.

A handwritten signature in black ink, appearing to read 'Alex Petak', is written over a horizontal line.

Alexander Petak

PUC Interoffice Memorandum

To: Alexander Petak
Legal Division

Thru: Lisa Fuentes, Team Leader
Water Utilities Division

From: Fred Bednarski, Financial & Managerial Review Specialist
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: October 16, 2015

Subject: **Docket No. 44950;** *Application of City of Mount Pleasant for Amendment to Certificate of Convenience and Necessity in Titus County.*

On July 16, 2015, the City of Mount Pleasant (Applicant) filed an application to amend its water and sewer Certificates of Convenience and Necessity (CCN) Nos. 10509 and 20196, and to decertify a portion of CCN No 10402 held by TRI SUD in Titus County pursuant to 16 Tex. Admin. Code §§ 24.8, and 24.102 through 24.106 (TAC) and Tex. Water Code § 13.246(c) (TWC).

On August 17, 2015, Staff filed a response to Order No. 1 finding the application administratively incomplete and insufficient for filing due to mapping deficiencies. The Applicant was ordered to amend its application and cure the deficiencies by September 17, 2015. The applicant filed supplemental information on September 17, 2015, and October 8, 2015.

Order No. 2 required staff to file a supplemental recommendation regarding administrative completeness on the amended application by October 16, 2015. Staff has reviewed the supplemental application information and finds the application administratively incomplete and insufficient for filing.

Mapping Content

The Applicant's revised small and large scale maps, and digital data submitted on September 17, 2015, are insufficient for the following reasons:

The proposed water and sewer service areas requested with this application overlap the following entities:

- City of Mount Pleasant's water CCN No. 10509 and sewer CCN No. 20196
- Bi County WSC (10490)
- Titus County FWSD 1 (District No. 77900000)

The Applicant should use PUC's official CCN digital data to help remove overlaps from the proposed water and sewer service areas.

The Applicant must submit the following items to resolve the mapping deficiencies:

1. Revised small scale (general location) maps for both the proposed water and sewer service areas after removing portions already certificated to the Applicant and Bi County WSC with enough detail to accurately locate the service areas in the vicinity of the nearest city, town or county.
 - a. Submit one small scale map showing the entire proposed water service areas; and
 - b. Submit one small scale map showing the entire proposed sewer service areas.
2. Revised large scale (detail) maps for both the proposed water and sewer service areas after removing portions already certificated to the Applicant and Bi County WSC with enough detail to accurately locate the service areas in the vicinity of surrounding roads, streets and highways.
3. Revised digital data including both the proposed water and sewer service areas after removing portions already certificated to the Applicant and Bi County WSC in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD). The revised digital data submitted must correspond to the same proposed water and sewer service areas as shown on all revised small and large scale maps.
4. A complete list of all utilities, districts and municipalities located within a 2-mile buffer of the proposed water and sewer service areas. Also, include the groundwater conservation districts and counties located within the requested proposed water and sewer service areas requested with this application.
5. Provide the revised acreage for the portions of the proposed water and sewer service areas, which are currently uncertificated for water and sewer, and for the portion to be decertified from Tri SUD's water CCN No. 10402. The total acreage for the proposed water and the proposed sewer service areas must be calculated after the removal of portions already certificated to the Applicant (10509/ 20196) and Bi County WSC (10490).

Application Content

The application did not include the required information listed below. The Applicant should be ordered to provide the following:

1. Clarification for the difference between the number of customers on the notice, 47, and the proposed total connections less existing water connections that equals 58 on page 7 of 25 in the original application.
2. A signed document regarding the decertification of the portion of Tri SUD's water CCN No. 10402 that overlaps the area subject to this application.
3. A signed document regarding the Applicant providing retail water and sewer service within Titus County FWSD 1's district boundaries.

In order to continue processing the application, we recommend the Applicant provide the requested information within 30 days from the date of the Commission order.

Staff requires 30 days from the date of Applicant's filing to review the Applicant's supplemental information and to file a supplemental recommendation regarding administrative completeness on the amended application.