



Control Number: 44950



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 44950

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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**
2015 DEC 16 AM 9:07
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 3 AND
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 Response to Order No. 3 and 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. 3, issued October 19, 2015, Staff was ordered to file a recommendation on the administrative completeness of the application, the proposed notice and to file a procedural schedule by December 16, 2015. This pleading is therefore timely filed.

II. RECOMMENDATION

Staff has reviewed the application and the new supplemental materials filed by Mount Pleasant on November 16, 2015. Staff continues to recommend the applicant be found deficient, as supported by the attached memorandum of Fred Bednarski and Tracy Montes 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.

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	January 15, 2015
Deadline for Staff to file a supplemental recommendation on the amended application	February 16, 2015

IV. CONCLUSION

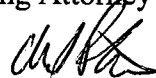
Staff respectfully requests the entry of an order consistent with the above recommendation.

Dated: December 16, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division



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DOCKET NO. 44950

CERTIFICATE OF SERVICE

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



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 Montes, GIS Specialist
Water Utilities Division

Date: December 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 Nos. 2 and 3 required Staff to file a supplemental recommendation regarding administrative completeness on the amended application by October 16, 2015 and November 16, 2015, respectively. Staff has reviewed the supplemental information and finds the application administratively incomplete and insufficient for filing.

Staff recommends that the Applicant be ordered to supplement the application with the following additional information to resolve the deficiencies:

Notice Content

1. Indicate the revised total acreage and the revised current customer count separately for both the proposed water and sewer service areas. Include a description of the effect on the current customers.
2. Provide the general location for both the “new” proposed water service areas and the proposed sewer service areas. These descriptions should be different since the proposed water and proposed sewer service areas are not the same.

Mapping Content

The Applicant's revised small and large scale maps, and digital data submitted on November 16, 2015, are insufficient. The Applicant has not revised its proposed water and sewer service areas by removing the overlaps with area already certificated to the Applicant's water CCN No. 10590 and sewer CCN No. 20196, and to Bi County WSC's water CCN No. 10490.

Staff recommends the Applicant use PUC's official CCN digital data to remove overlaps as indicated from the proposed water and sewer service areas. The Applicant's "new" proposed water and sewer service areas may only include uncertificated areas or portions already certificated to TRI SUD's water CCN No. 10402. The portions already certificated to TRI SUD's water CCN are okay to include, since the Applicant is seeking to transfer this area and to incorporate it into the Applicant's water CCN through this application. Otherwise, no other certificated areas should be included in the "new" proposed water and sewer service areas as shown on the revised maps or digital data.

Staff also recommends that the Applicant be ordered to obtain written permission from Titus County Fresh Water Supply District No. 1, (District) to provide retail water and sewer service inside the District's boundaries.

Lastly, Staff recommends that the Applicant be required to submit revised maps and digital data showing the "new" proposed water and sewer service areas to resolve the remaining mapping deficiencies as described below:

1. Revised small scale (general location) maps for both the proposed water and sewer service areas after removing portions already certificated to the Applicant, CCN Nos. 10509 and 20196, and Bi County WSC, CCN Nos. 10490. The revised small scale maps should have enough detail to accurately locate the service areas in the vicinity of the nearest city, town or county.
 - a. File a small scale map showing the entire proposed water service areas; and
 - b. File a small scale map showing the entire proposed sewer service areas.
 - c. Hard copy maps should not show any service areas already certificated to another CCN holder, unless TRI SUD (10402).
2. File revised large scale (detail) maps for both the proposed water and sewer service areas after removing portions already certificated to the Applicant (10509/20196) and Bi County WSC (10490) with enough detail to accurately locate the service areas in the vicinity of surrounding roads, streets and highways.
3. File revised digital data including both the proposed water and sewer service areas after removing portions already certificated to the Applicant (10509/20196) and Bi County WSC (10490) in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD). Include the coordinate system and projection used to create the digital data. The revised digital data must correspond to the same "new" proposed water and sewer service areas as shown on all revised small and large scale maps.
4. File the updated acreage for the "new" proposed water and sewer service areas after the removal of service areas already certificated to the Applicant (10509/20196) and Bi County WSC (10490).