



Control Number: 44950



Item Number: 20

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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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**PUBLIC UTILITY COMMISSION
OF TEXAS**
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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 6 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. 6 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. 6, issued February 1, 2016, Staff was ordered to file a recommendation on the administrative completeness of the application, the proposed notice and to file a procedural schedule by March 31, 2016. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE SUFFICIENCY

Staff has reviewed Mount Pleasant's application and recommends it be found sufficient for filing, as supported by the attached memorandum of Fred Bednarski and Tracy Montes of the Water Utilities Division (Attachment A). The Applicant should be ordered to provide notice and proof of that notice using the forms (Attachment B) and in the manner detailed in the attached memorandum.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file Proof of Notice and District Consent from Titus County FWSD 1	May 9, 2016
Deadline for intervention; deadline for intervenors to file comments or request a hearing	Within 30 calendar days of mailing or publication of notice, whichever occurs later
Deadline for Commission Staff to file a final recommendation on the application or request a hearing.	August 26, 2016
Deadline for Applicant to request a hearing or respond to Staff's recommendation on final disposition; or if no disputed issues exist, deadline for parties to file proposed findings of fact, conclusions of law, and ordering paragraphs.	Within 10 working days from Staff's recommendation on final disposition.

IV. CONCLUSION

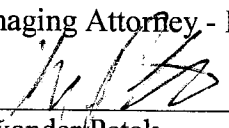
Staff respectfully requests the entry of an order consistent with the above recommendation.

Dated: March 31, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division




Alexander Petak
Attorney-Legal Division
State Bar No. 24088216
(512) 936-7377
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record March 31, 2016,
in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

ATTACHMENT A

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: March 31, 2016

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).

Order No. 4 ordered the Applicant to amend its application and cure the deficiencies by January 15, 2016. The Applicant filed and was granted 2 extensions requiring the applicant to file supplemental information by March 1, 2016. The Applicant filed supplemental mapping documentation on March 4, 2016. Staff has reviewed the supplemental information and finds the application administratively complete and sufficient for filing pursuant to 16 TAC §§24.8. Staff recommends the Applicant provide the following:

1. Notice to the following entities in addition to those entities listed in the application. These entities are located within a 2-mile buffer of the proposed water and sewer service areas requested with this application:
 - Alpha Utility of Camp County (CCN No. 12696)
 - Titus County FWSD 1 (District No. 7790000)
2. Notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas;
 - c) Notice to landowners with more than 25 acres in the requested CCN service areas. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Titus County

The Applicant should include copy of a map showing the proposed service areas with the

individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating both the proposed water and sewer service areas with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

Within 30 days of the Commission order, the Applicants should submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that the notice was given. We will continue to review the application pursuant to 16 TAC §§24.102 - 24.109 as applicable.

Technical Review

The Applicant must file written documentation from Titus County FWSD I allowing the Applicant to provide retail water and sewer services within the district's boundaries. Failure to provide the requested information may delay processing the application.

ATTACHMENT B

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATES OF CONVEINCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN TITUS COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2016
(Name of neighboring systems, cities and landowners)

(Address)

(City State Zip)

The City of Mount Pleasant has filed an application with the Public Utility Commission of Texas to amend its sewer water CCN 10509 and sewer CCN 20196, and to decertify a portion of water CCN No. 10402, held by TRI SUD in Titus County.

The proposed water and sewer service areas are generally located 1.8 miles northeast and 4.1 miles south of downtown City of Mount Pleasant, Texas, and are generally bounded on the north by CR 3210; on the east by the intersection of CR 4215 and State Hwy 49; on the south by Big Cypress Creek; and on the west by the intersection of US 67 and Interstate 30.

See enclosed maps of the proposed water and sewer service areas.

The proposed water service areas being requested include approximately 1060 acres and 47 current customers. The proposed sewer service areas being requested include approximately 1675 acres and 0 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an

evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed CCN service areas, you may request to be excluded from the proposed CCN service areas (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested water and sewer CCN service areas must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed sewer CCN service area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN TITUS COUNTY, TEXAS

The City of Mount Pleasant has filed an application with the Public Utility Commission of Texas to amend its sewer water CCN 10509 and sewer CCN 20196, and to decertify a portion of water CCN No. 10402, held by TRI SUD in Titus County.

The proposed water and sewer service areas are generally located 1.8 miles northeast and 4.1 miles south of downtown City of Mount Pleasant, Texas, and are generally bounded on the north by CR 3210; on the east by the intersection of CR 4215 and State Hwy 49; on the south by Big Cypress Creek; and on the west by the intersection of US 67 and Interstate 30.

The proposed water service areas being requested include approximately 1060 acres and 47 current customers. The proposed sewer service areas being requested include approximately 1675 acres and 0 current customers.

Maps showing the proposed water and sewer service areas are available at:
501 North Madison Avenue, Mount Pleasant, Texas 75455, 903-572-3412

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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Si desea informacion en Espanol, puede llamar al 1-888-782-8477

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided
individual notice to the following entities and landowners:

DATE

OATH

I, _____, being duly sworn, file this form as

_____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____
(TITLE)

of the _____
(NAME OF NEWSPAPER)

that said newspaper is regularly published in: _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas: and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____