



Control Number: 45180



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 45180

RECEIVED

2016 MAR 7 AM 9:40

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

APPLICATION OF THE CITY OF §
AUSTIN TO AMEND ITS SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND ADD AREA §
TO AQUA WATER SUPPLY §
CORPORATION'S d/b/a AQUA §
WSC'S SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
IN TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION

**COMMISSION STAFF'S RECOMMENDATION THAT
APPLICATION BE FOUND INCOMPLETE AND DEFICIENT**

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 4. In support thereof, Staff would show the following:

I. BACKGROUND

On October 23, 2015, the Administrative Law Judge issued Order No. 4, requiring Staff to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule, if appropriate, on or before March 4, 2016. Therefore, this pleading is timely filed.

II. STAFF RECOMMENDATION

Staff continues to recommend that the application be found administratively incomplete for the reasons discussed in the attached memorandum of Elisabeth English, Engineering Specialist, and Tracy Montes, GIS Specialist, both in the Water Utilities Division.

III. PROPOSED PROCEDURAL SCHEDULE

Because the application is not administratively complete, Staff is unable to recommend a procedural schedule at this time. Staff recommends, however, that the applicant be required to supplement its application as described above and in the attached memorandum of Ms. English and Ms. Montes by **April 4, 2016**. After the application is supplemented, Staff proposes that a deadline of **May 4, 2016** be set by which time Staff will file a supplemental recommendation on

13


the administrative completeness of the application and sufficiency of notice, as well as comments/recommendation regarding how this petition should be processed and propose a procedural schedule.

Dated: March 4, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

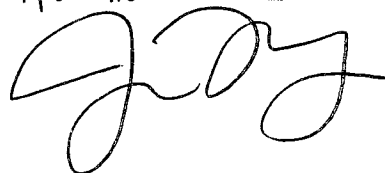
Stephen Mack
Managing Attorney
Legal Division

Jacob Lawler w/permission 
Jacob J. Lawler
Attorney - Legal Division
State Bar No. 24076502
(512) 936-7275
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 4, 2016 in accordance with 16 TAC § 22.74.

Jacob Lawler w/permission
Jacob J. Lawler



PUC Interoffice Memorandum

To: Jacob Lawler, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Tracy Montes, GIS Specialist Water Utilities Division

Date: March 3, 2016

Subject: **Docket No. 45180:** *Application of the City of Austin to amend its Water Certificate of Convenience and Necessity and add area to Aqua Utilities Inc. Water Certificate of Convenience and Necessity in Travis County*

On September 21, 2015, the City of Austin (City) filed with the Public Utility Commission of Texas (Commission) an application requesting to amend its water Certificate of Convenience and Necessity (CCN) No. 20636 and Aqua Water Supply Corporation's (WSC) sewer CCN 20962 in Travis County, Texas. The application is being reviewed under Texas Water Code (TWC) § 13.248 and 16 Tex. Admin. Code §24.117.

Staff has reviewed the application, and supplemental mapping information, and recommends that the application be deemed administratively incomplete and not accepted for filing.

On January 22, 2016, the Applicant filed a new agreement map to address the deficiencies noted in the previous Staff memo. The new map appears to correspond to the same proposed sewer service area shown on the small and large scale maps filed on November 23, 2015, thus resolving the previously noted deficiency. However, the proposed digital data filed on September 21, 2015, includes approximately 26 acres which does not correspond to the total acreage stated in the agreement, approximately 33 acres. The proposed small and large scale maps must correspond to the same acreage indicated in the agreement and represented in the proposed digital data.

Staff recommends that the Applicant provide small and large scale maps, an agreement map, and digital data for the same approximate area as stated in the agreement between the City and the WSC. If the Applicant determines that the proposed certificated area addressed in this application differs from what is stated in the agreement, approximately 33 acres, the agreement itself should be amended to reflect the correct proposed service area acreage.

Additionally, Staff requests that a copy of the WSC's financials, plus projected financials be filed as part of this application. Staff requests that the Applicant submit a copy of the latest audited comprehensive annual financial report (CAFR) with management letter and pages 22-25 of the

CCN amendment application or completed pages 19-25 of the CCN amendment application for the WSC if the audited CAFR is not available. This financial information will be reviewed during the technical phase of the application review process and the CCN amendment application cannot be recommended for approval without this review.