

Control Number: 45180



Item Number: 25

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RECEIVED

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

OF TEXAS PUBLIC UTILITY COMMISSION
FILING CLERK

2016 JUL 22 AM 9:21

COMMISSION STAFF'S RECOMMENDATION THAT APPLICATION BE DEEMED ADMINISTRATIVELY COMPLETE

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 7. In support thereof, Staff would show the following:

I. BACKGROUND

On June 10, 2016, the Administrative Law Judge issued Order No. 7, 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 July 22, 2016. Therefore, this pleading is timely filed.

II. STAFF RECOMMENDATION

Staff has reviewed the Applicants' application, as well as the supplemental mapping information filed on June 24, 2016. As detailed in the attached Staff memorandum from Elisabeth English and Tracy Montes, both in the Commission's Water Utilities Division, Staff recommends that the application be deemed administratively complete.

Staff further recommends that Applicant provide notice to the individuals and entities identified in the attached Staff memorandum.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends adoption of the following proposed procedural schedule.

Event	Date
Deadline for the Applicants to file a copy of the actual notices issued, the map issued with the individual mail notices, tear sheets of the newspaper notice published, and signed affidavits of notice.	August 25, 2016
Deadline for Staff to file a recommendation regarding the sufficiency of notice and an updated procedural schedule.	September 8, 2016
Deadline to intervene	30 days after mailing or publication of notice, whichever occurs later

IV. CONCLUSION

For the reasons stated above and in the attached memorandum, Staff recommends that the application be deemed administratively complete and requests the adoption of Staff's proposed procedural schedule. Staff further recommends that the Applicant provide notice as described in the attached Staff memorandum.

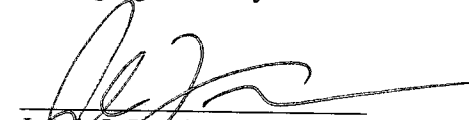
Date: July 22, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



 Jacob J. Lawler
 State Bar No. 24076502

1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7275
(512) 936-7268 (facsimile)

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 22, 2016 in accordance with 16 TAC § 22.74.



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: July 19, 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) and Aqua Water Supply Corporation (Aqua WSC) filed with the Public Utility Commission of Texas (Commission) an application pursuant to Texas Water Code (TWC) § 13.248, requesting to amend their sewer Certificates of Convenience and Necessity (CCNs) in Travis County, Texas. Approval of the application would allow Aqua WSC to provide retail sewer service to area decertified from the City. This application is being reviewed under the criteria in the Texas Water Code, Chapter 13, and the PUC's Substantive Rules in Chapter 24.

Staff has reviewed the application, and supplemental mapping information filed on June 24, 2016, and recommends that the application be deemed administratively complete and accepted for filing. The Applicant filed sufficient digital data, small and large scale maps showing the updated proposed sewer service area. The signed agreement, and agreement map, adequately states the intent of the application and shows the updated proposed sewer service area including approximately 37 acres. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed service area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Parker County.

- 2) Provide notice the following entities:
 - Aqua WSC (CCN No. 20962)
 - Bastrop County WCID 3 (District No. 1207302)
 - Garfield MUD 1 (District No. 3387000)
 - Lost Pines Groundwater Conservation District (District No. 5448660)
 - Lower Colorado River Authority (District No. 5460000)
 - Southeast Travis County MUD 1 (District No. 7579025)
 - Southeast Travis County MUD 2 (District No. 7579028)
 - Southeast Travis County MUD 3 (District No. 7579029)

Southeast Travis County MUD 4 (District No. 7579031)
Bastrop and Travis County Judges

- 3) The Applicant should include copy of a map showing the proposed service areas with the individual notices to neighboring utilities and customers. It is the Applicant's burden to provide an accurate map delineating the proposed 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/>.

Lastly, Staff recommends the Applicant file within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice to Neighboring Utilities, Customers and Cities

NOTICE OF APPLICATION BY THE CITY OF AUSTIN AND AQUA WATER SUPPLY CORPORATION FOR APPROVAL OF A CONTRACT SERVICE AGREEMENT TO PROVIDE SEWER UTILITY SERVICE IN BASTROP AND TRAVIS COUNTY, TEXAS

To: _____
(Neighboring System or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2016

The City of Austin and Aqua Water Supply Corporation (WSC) have filed an application with the Public Utility Commission of Texas for approval of a service agreement pursuant to TWC § 13.248. The purpose of the application is to amend Aqua WSC's Certificate of Convenience and Necessity (CCN) No. 20962 and to decertify a portion of the City of Austin's CCN No. 20636 in Bastrop and Travis Counties.

The proposed sewer service area is located approximately 7 miles southeast of downtown Del Valle, Texas, and is generally bounded on the north by intersection of Meurer Lane and Wolf Lane; on the east by Tucker Hill Lane; on the south by Pearce Lane; on the west by Wolf Lane.

The proposed sewer service area requested includes approximately 37 total acres and 0 current customers

See enclosed map of the proposed service area.

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:

**Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 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.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

Notice for Publication

NOTICE OF APPLICATION BY THE CITY OF AUSTIN AND AQUA WATER SUPPLY CORPORATION FOR APPROVAL OF A CONTRACT SERVICE AGREEMENT TO PROVIDE SEWER UTILITY SERVICE IN BASTROP AND TRAVIS COUNTY, TEXAS

The City of Austin and Aqua Water Supply Corporation (WSC) have filed an application with the Public Utility Commission of Texas for approval of a service agreement pursuant to TWC § 13.248. The purpose of the application is to amend Aqua WSC's Certificate of Convenience and Necessity (CCN) No. 20962 and to decertify a portion of the City of Austin's CCN No. 20636 in Bastrop and Travis Counties.

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The proposed sewer service area requested includes approximately 37 total acres and 0 current customers

A copy of the proposed service area map may be viewed at: 625 East 1uth Street, Suite 715, Austin, Texas 78701; 512-972-0118.

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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Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND CITIES

DOCKET NO. 45180

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

_____ of the _____
(TITLE) (NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit _____,
(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

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. 45180

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

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

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

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

and that the attached notice was published in said newspaper on the following dates, 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 _____