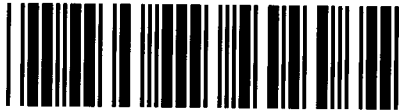


Control Number: 45180



Item Number: 5

Addendum StartPage: 0

**DOCKET NO. 45180**

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 §  
FILING CLERK**  
2015 OCT 14 PM 1:42

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1**

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1. In support thereof, Staff would show the following:

**I. BACKGROUND**

On September 21, 2015, the City of Austin (Austin) filed with the Commission an application to amend its sewer certificate of convenience (CCN) No. 20636 to remove a portion of area and add same to Aqua Water Supply Corporation's d/b/a Aqua WSC's sewer CCN No. 20962 in Travis County. Austin seeks to remove approximately 32.63 acres of land having zero current customers. The proposed amendment comprises the 78612 and 78617 zip codes.

On September 22, 2015, the Administrative Law Judge (ALJ) issued Order No. 1, which requires Staff to file comments on the administrative completeness of the application and proposed notice. Order No. 1 also requires Austin and Staff to file comments/recommendation regarding how this petition should be processed and propose a procedural schedule. Therefore, this pleading is timely filed.

**II. COMMENTS ON APPLICATION AND PROPOSED NOTICE**

Staff recommends 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, Water Utilities Division. Specifically, the small and large scale maps are not sufficient as the proposed service area is shown with a different boundary on the

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hard copy maps. Additionally, the maps on pages 25 and 26 of the application do not clearly show the lines for roads, streets and highways in reference to the proposed service area. Further, Staff could not determine which map is considered the agreement map as referenced on page 22 of the application. All hard copy maps submitted must delineate the same proposed service area subject to this transaction. Therefore, Staff is unable to determine the proposed service area agreed to be transferred between the City of Austin and Aqua WSC.

Staff recommends that the Applicant submit the following items to resolve the mapping deficiencies.

1. A revised general location (small scale) map only showing the proposed service area with enough detail to accurately locate the service area in the vicinity of the nearest city, town or county.
2. A revised large scale map only showing the proposed service area with enough detail to accurately and clearly locate the service area in the vicinity of surrounding roads, streets, and highways.
3. Identification of the agreement map as referenced in the agreement provided on page 22 of the application. If the map on page 26 is considered the agreement map, then the Applicant must submit the map in full size (to scale) to ensure all mapping content is legible.
4. A complete list of all utilities, districts and municipalities located within a 2-mile buffer of the proposed service area. Also, include the groundwater conservation districts and counties located within the requested proposed service area requested with this application.

Additionally, the Applicant should be instructed not to notice neighboring entities, customers, or other parties until the maps are approved by Staff.

Staff will comment on the proposed notice once the application is administratively complete.

### **III. PROPOSED PROCEDURAL SCHEDULE**

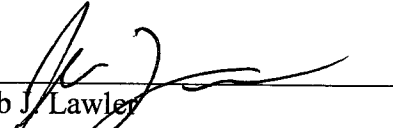
Because the application is not administratively complete, Staff is unable to recommend a procedural schedule at this time. Staff recommends, however, that Austin be required to supplement its application as described above and in the attached memorandum of Ms. English and Montes by November 20, 2015. After the application is supplemented, Staff proposes that a deadline of December 15, 2015 be set by which time Staff will file a second recommendation on 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: October 21, 2015**

Respectfully Submitted,

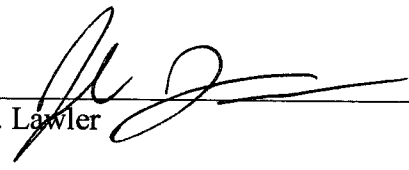
Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

  
\_\_\_\_\_  
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 October 21, 2015 in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Jacob J. Lawler

## PUC Interoffice Memorandum

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**To:** Jacob Lawler, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Water Utilities Division

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

**Date:** October 16, 2015

**Subject:** Docket No. 45180: *Application of the City of Austin to Amend its Sewer Certificate of Convenience and Necessity and Add Area to Aqua Utilities Inc. Sewer 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 their sewer Certificate of Convenience and Necessity (CCN) No. 20636 and Aqua Utilities Inc.'s sewer CCN No. 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 recommends that the application be deemed administratively incomplete and not accepted for filing. The small and large scale maps are not sufficient as the proposed service area is shown with a different boundary on the hard copy maps. The maps on page 25 and 26 of the application do not clearly show the lines for roads, streets and highways in reference to the proposed service area. Staff is uncertain which map is considered the agreement map as referenced in the agreement on page 22 of the application. All hard copy maps submitted must delineate the same proposed service area subject to this transaction. Therefore, Staff is unable to determine the proposed service area agreed to be transferred between the City of Austin and Aqua WSC.

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

1. A revised general location (small scale) map only showing the proposed service area with enough detail to accurately locate the service area in the vicinity of the nearest city, town or county.
2. A revised large scale map only showing the proposed service area with enough detail to accurately and clearly locate the service area in the vicinity of surrounding roads, streets, and highways.
3. Clarify what map is considered the agreement map as referenced in the agreement on page 22 of the application. If the map on page 26 is considered the agreement map, then the Applicant must submit the map in full size (to scale) to ensure all mapping content is legible.
4. A complete list of all utilities, districts and municipalities located within a 2-mile buffer of the proposed service area. Also, include the groundwater conservation districts and counties located within the requested proposed service area requested with this application.

The Applicant should be instructed not to notice neighboring entities, customers, or other parties until the maps are approved by Staff.