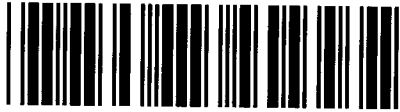


Control Number: 45180



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 45180

**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**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2
RECOMMENDING 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. 2. In support thereof, Staff would show the following:

I. BACKGROUND

On October 23, 2015, the Administrative Law Judge issued Order No. 2, 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 December 15, 2015. Therefore, this pleading is timely filed.

II. COMMENTS ON APPLICATION AND PROPOSED NOTICE

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.

Specifically, the agreement submitted with the application states that 32.63 acres of the 153.937 acre tract should be transferred from the City of Austin's (Austin's) CCN to Aqua WSC's CCN. However, the maps submitted do not mark the proposed service area (32.63 acres) to be transferred to Aqua WSC. Because the hard copy maps submitted with this application do not all mark the same proposed service area, Staff is unable to determine the proposed service area subject to this agreement.

Staff recommends that Austin submit the following items to resolve the mapping deficiencies:

- A revised survey plat map clearly marking the proposed sewer service area (32.63 acres), which is subject to the agreement on page 22 of the application.

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

III. PROPOSED PROCEDURAL SCHEDULE

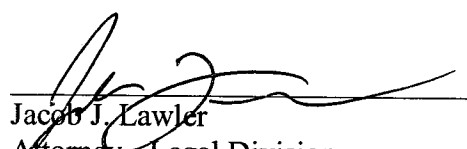
Because the application is not administratively complete, Staff is unable to recommend a procedural schedule at this time. Staff recommends, however, that Austin be required to supplement its application as described above and in the attached memorandum of Ms. English and Ms. Montes by January 22, 2016. After the application is supplemented, Staff proposes that a deadline of February 19, 2016 be set by which time Staff will file a supplemental 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: December 15, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

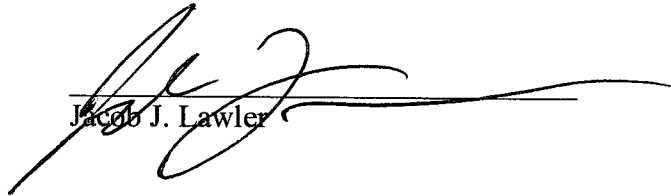
Stephen Mack
Managing Attorney
Legal Division



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 December 15, 2015 in accordance with 16 TAC § 22.74.



Jacob J. Lawler

PUC Interoffice Memorandum

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: December 11, 2015

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.

The agreement submitted with the application states that 32.63 acres of the 153.937 acre tract should be transferred from the City's CCN to Aqua WSC's CCN. However, the maps submitted do not mark the proposed service area (32.63 acres) to be transferred to Aqua WSC. Since the hard copy maps submitted with this application do not all mark the same proposed service area, Staff is unable to determine the proposed service area subject to this agreement.

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

1. A revised survey plat map clearly marking the proposed sewer service area (32.63 acres), which is subject to the agreement on page 22 of the application.