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DOCKET NO. 45476

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APPLICATION OF CITY OF MARBLE
FALLS TO AMEND ITS CERTIFICATES
OF CONVENIENCE AND NECESSITY IN
BURNET COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION REGARDING LANDOWNER OPT-
OUT REQUEST**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Recommendation Regarding Landowner Opt-Out Request and would show the following:

I. BACKGROUND

On December 28, 2015, the City of Marble Falls (Marble Falls) filed an application (Application) to amend its water certificate of convenience and necessity (CCN) No. 11137 and sewer CCN No. 20426 in Burnet County. Marble Falls seeks to amend its CCNs to add approximately 488 acres to its service area.

Order No. 4, issued May 19, 2016, found the application administratively complete and directed Marble Falls to issue notice, and directed Staff to file a supplemental recommendation by July 29, 2016. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Pursuant to 16 TAC § 24.102(h), landowners with 25 acres or more, whose property is wholly or partially located within the proposed area, may elect to exclude some or all of their property from the proposed area. On June 1, 2016, Marble Falls mailed notifications of its proposed CCN amendments to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified. In addition, notice was published in *The Highlander-Burnet Bulletin* on May 31, 2016 and June 7, 2016. Order No. 4 set the deadline to intervene, file comments, or request a hearing as 30 days after the issuance of notice, which was July 7, 2016.

On June 29, 2016, Doublehorn Ranch, LP filed a request to opt-out of the proposed area. As detailed in the attached memorandum of Fred Bednarski and Tracy Montes of the Water Utilities Division, Staff recommends that Marble Falls submit additional mapping information.

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The following information conforming to the opt-out request should be submitted: (1) a revised small scale map for both the proposed water and sewer service areas; (2) a revised large scale map for both the proposed water and sewer service areas; (3) revised digital data including only the proposed water and sewer services areas; (4) revised total acreage for both the proposed water and sewer service areas.

Staff requests that Marble Falls is given until August 19, 2016 to provide this additional information, and that Staff is given until September 16, 2016 to file a supplemental recommendation.

III. CONCLUSION

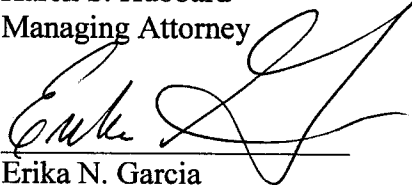
Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

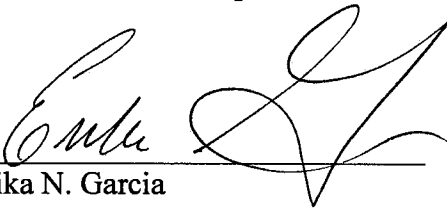
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DOCKET NO. 45476
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record July 12, 2016,
in accordance with 16 TAC § 22.74.


Erika N. Garcia

PUC Interoffice Memorandum

To: Erika Garcia, Attorney
Legal Division

Through: Lisa Fuentes, Team Lead
Water Utilities Division

From: Fred Bednarski, Financial and Managerial Review Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

Date: July 11, 2016

Subject: **Docket No. 45476**, *Application of the City of Marble Falls to Amend its Certificates of Convenience and Necessity in Burnet County, Texas*

On December 28, 2015, the City of Marble Falls (Marble Falls) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11137 and sewer CCN No. 20426 in Burnet County, Texas. Marble Falls seeks to amend its CCN boundaries to include its entire city limits and ETJ areas in which it is currently providing utility service or expects to provide utility service in the near future.

On June 17, 2016, Marble Falls provided proof of public notice through submission of a publisher's affidavit and affidavit of notice to neighboring utilities, landowners, and cities. On June 29, 2016, the Commission received one opt out request pursuant to 16 TAC § 24.102(h), from Doublehorn Ranch, LP (Doublehorn Ranch).

Staff recommends that Marble Falls file revised maps and digital data in response to the opt-out request submitted by Doublehorn Ranch. In order to amend the proposed water and sewer service areas in response to Doublehorn Ranch's opt-out request, Staff recommends Marble Falls file the following items:

- Revised small scale (general location) map for both the proposed water and sewer service areas **after accurately removing the tract of land subject to the landowner's opt-out request**, with enough detail to locate the service areas in the vicinity of the nearest town, city, or county;
- Revised large scale (detailed) map for both the proposed water and sewer service areas **after accurately removing the tract of land subject to the landowner's opt-out request**, with enough detail to accurately locate the service areas in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers;
- Revised digital data including only the proposed water and sewer service areas **after accurately removing the tract of land subject to the landowner's opt-out request**, as a single polygon record, in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD); and
- Revised total acreage for both the proposed water and sewer service areas after removing the property subject to Doublehorn Ranch's opt-out request.