

Control Number: 45489



Item Number: 102

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**PUC DOCKET NO. 45489**  
**SOAH DOCKET NO. 473-18-4178.WS**

2019 MAR -5 AM 9:08

**APPLICATION OF CITY OF GREGORY  
TO OBTAIN CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
SAN PATRICIO COUNTY**

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§  
§

**PUBLIC UTILITY COMMISSION**

FILED CLERK

**OF TEXAS**

**COMMISSION STAFF'S CORRECTIONS TO PROPOSED ORDER**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files these Corrections to Proposed Order in response to a Proposed Order that was filed in this proceeding on February 22, 2019, and would show the following:

**I. BACKGROUND**

On December 31, 2015, the City of Gregory (Gregory) filed an application with the Public Utility Commission of Texas (Commission) to obtain new water and sewer certificates of convenience and necessity (CCN) in San Patricio County, Texas. On November 30, 2018, the State Office of Administrative Hearings (SOAH) Administrative Law Judge issued SOAH Order No. 7, remanding this case to the Commission and dismissing it from SOAH's docket.

On February 22, 2019, a Proposed Order was filed in this docket, and a deadline of March 5, 2019, was established for parties to file corrections or exceptions to the Proposed Order. This pleading is therefore timely filed.

**II. CORRECTIONS**

Staff has reviewed the Proposed Order and has no exceptions to the order. However, Staff recommends that certain corrections be made to the Proposed Order, as detailed below in Table 1:

<b>Table 1</b>	
<b>Location of Correction</b>	<b>Redline of Correction</b>
Finding of Fact No. 6	The proposed service-area is located approximately four miles <del>northeast</del> <sup>west</sup> of downtown Portland, Texas and is bounded to the north by County Road 1722, the east by Laquinta Road, the south by County Road 3239, and the west by FM 2986.

Finding of Fact No. 7	Timely requests to be excluded from the proposed CCN were filed by the Port of Corpus Christie Authority, Jeff McKamey, Lynn McKamey, Kenneth McKamey, Martha McKamey Decou, Kara McKamey, and <u>Corinne</u> <del>Connie</del> McKamey.
Finding of Fact No. 17	On January 25, 2017, Gregory filed an affidavit in which Robert Meager, City Manager of the City of Gregory, attested that notice was provided to landowners and other affected parties by the United States Postal Service. Mr. Meager stated that Gregory had provided notice to the following persons and entities: the City of Aransas Pass, the City of Corpus Christi, the City of Ingleside, the City of Portland, the Nueces River Authority, the Port of Corpus Christi, the Rincon Water Supply Corporation, San Patricio County, the San Patricio Ground Water Conservation District, <u>the San Patricio County Drainage District</u> , the San Patricio County Navigation District 1, the San Patricio Municipal Water District, Allen Hunt, and McKamey Farms.
Finding of Fact No. 19	On January <del>17</del> <sup>18</sup> , 2019, Commission Staff and Gregory filed a motion to admit evidence.
Finding of Fact No. 20	In Order No. 20 issued on February <del>20</del> <sup>19</sup> , 2019, the Commission ALJ admitted the following evidence into the record of the proceeding: (a) Gregory's application and attachments filed on December 31, 2015; (b) Gregory's supplemental application information filed on March 29, 2016; (c) Gregory's amended application information filed on May 16, 2016; (d) Gregory's amended application information filed on June 28, 2016; (e) Gregory's supplemental application information filed on September 1, 2016; (f) Gregory's amended application information filed on March 2, 2017; (g) Gregory's amended application information filed on April 20, 2017; (h) Gregory's amended application information filed on May 12, 2017; (i) Gregory's amended application information filed on August 1, 2017; (j) Gregory's supplemental application information filed on October 23, 2017; (k) Gregory's supplemental application information filed on March 6, 2018; (l) Gregory's supplemental application information filed on May 22, 2018; (m) Gregory's supplemental application information filed on July 3, 2018; (n) Gregory's supplemental application information filed on September 12, 2018; (o) Gregory's amended application information filed on November 9, 2018; (p) Gregory's affidavits of proof of notice filed on November 10, 2016; (q) Gregory's affidavits of proof of notice filed on January 25, 2017; (r) Gregory's response to Commission Staff's first request for information filed on January 30, 2017; (s) Gregory's supplemental financial information filed on February 21, 2018; (t) Gregory's supplemental financial information filed on April 24, 2018; (u) Gregory's signed consent form filed on December 19, 2018; and (v) Commission Staff's final recommendation and attachments filed on January 11, 2019.
Finding of Fact No. 32	Gregory <del>s</del> obtains treated water from the San Patricio Municipal Water District.
Conclusion of Law No. 5	Gregory possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested area as required by TWC § 13.241(a) and 16 TAC § <del>24.227</del> <sup>24.224</sup> .

### **III. CONCLUSION**

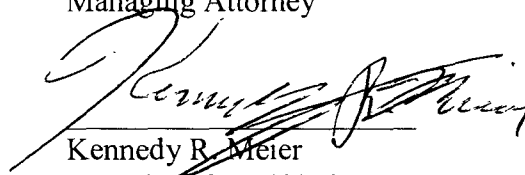
Staff recommends that the corrections described in Table 1 be made to the Proposed Order.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

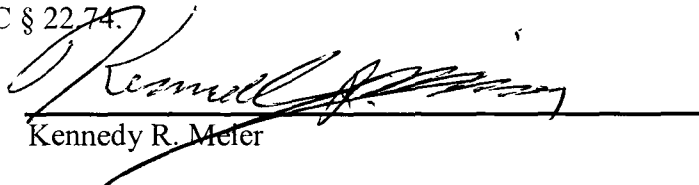


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### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 5<sup>th</sup> of March, 2019 in accordance with 16 TAC § 22.74.



Kennedy R. Meier