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DOCKET NO. 45489

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

PUBLIC UTILITY COMMISSION
OF TEXAS

**STAFF'S SUPPLEMENTAL ADMINISTRATIVE COMPLETENESS
RECOMMENDATION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Staff's Supplemental Administrative Completeness Recommendation in response to Order No. 3 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. Gregory seeks to acquire CCNs for the area within its extraterritorial jurisdiction (ETJ). On February 2, 2016, Order No. 2 was issued, finding the application administratively incomplete and establishing a deadline for Staff to file additional comments regarding the administrative completeness of the application.

On April 5, 2016, Order No. 3 was issued, extending the deadline for Staff to file additional comments regarding the administrative completeness of the application along with a procedural schedule if the application is deemed administratively complete until May 9, 2016. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Gregory's application along with the supplemental information filed on March 29, 2016, and, as detailed in the attached memorandum from Sean Scaff and Gary Horton in the Commission's Water Utility Regulation Division, Staff recommends that the application be found administratively incomplete due to deficiencies in the mapping information provided. Staff also recommends that Gregory be ordered not to provide notice until the application is found administratively complete.

Specifically, the initial maps filed with the application show a larger proposed service area than is shown on the map filed on March 29, 2016. In addition, the engineering drawing filed as the large scale map does not appear to be to scale, and Gregory has not filed a small scale (general location) map in the application. Also, the revised small and large scale maps should only show the proposed service area and should not show the ETJ boundary for Gregory.

As detailed in the attached memorandum, Staff recommends that Gregory be directed to file the following to cure the deficiencies in the application:

1. A small scale (general location) map only showing the location of the proposed service area in the vicinity of the nearest town, city, or county.
2. A large scale (detail) map only delineating the proposed service area(s) with enough detail to accurately locate the proposed service area in the vicinity of surrounding roads, streets, and highways.
3. Information clarifying an apparent discrepancy in the filed information. Specifically, the proposed service area shown in the digital data provided is 900 acres, while the proposed notice documents filed on March 29, 2016 indicate that the service area being requested encompasses approximately 3600 acres. Staff requests that Gregory be directed to file information clarifying this apparent discrepancy.

Staff requests that Gregory be given until June 8, 2016 to correct the deficiencies. Staff further requests that it be given until July 8, 2016 to review Gregory's supplemental materials and file additional comments on the administrative completeness of the application.

III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively incomplete due to deficiencies in the mapping information supplied by Gregory. Accordingly, Staff has not proposed a procedural schedule at this time.

IV. CONCLUSION

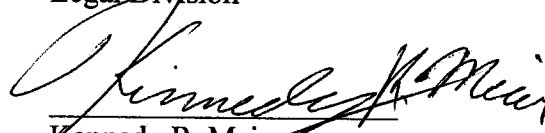
For the reasons stated above, Staff respectfully recommends that Gregory's application be found administratively incomplete and that Gregory be ordered to correct the deficiencies in its application by June 8, 2016. Staff requests that it be given until July 8, 2016 to file additional comments on the administrative completeness of the application and propose a supplemental

procedural schedule for continued processing of this docket. Staff also requests that Gregory be ordered not to provide notice until the application is found administratively complete.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Katherine Lengieza Gross
Managing Attorney
Legal Division

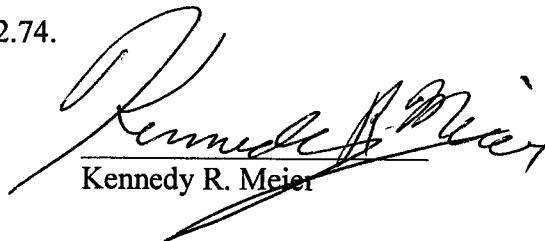


Kennedy R. Meier
Attorney-Legal Division
State Bar No. 24092819
(512) 936-7265
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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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 9th of May, 2016 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

Public Utility Commission of Texas

Memorandum

TO: Kennedy Meier, Attorney
Legal Division

FROM: Sean Scaff, Engineering Specialist
Gary Horton, GIS Specialist
Water Utilities Division

THRU: Tammy Benter, Director
Water Utilities Division

DATE: May 3, 2016

RE: **Docket No. 45489;** *Application of the City of Gregory to obtain Certificates of Convenience and Necessity in San Patricio County, Texas*

On December 31, 2015, the City of Gregory (City) filed an application with the Public Utility Commission of Texas (Commission) to obtain water and sewer Certificates of Convenience and Necessity (CCN) in San Patricio County, Texas. This application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.241-250 and 16 Tex. Admin. Code (TAC) §§ 24.101-24.107.

Based on a review of the information in the application, the application and notices are deficient in the required information. Staff recommends that the application be deemed insufficient for filing and found administratively incomplete. In order to cure the deficiency, Staff recommends the Applicant should also address the following mapping information:

The initial maps filed with the application show a larger proposed service area than is shown on the map filed on March 29, 2016. The engineering drawing filed as the large scale map does not appear to be to scale. The City has not filed a small scale (general location) map in the application. The revised small and large scale maps should only show the proposed service area and should not show the extraterritorial jurisdiction boundary for the City.

The City should submit the following items to resolve the mapping deficiencies:

1. A small scale (general location) map only showing the location of the proposed service area in the vicinity of the nearest town, city, or county.
2. A large scale (detail) map only delineating the proposed service area(s) with enough detail to accurately locate the proposed service area in the vicinity of surrounding roads, streets, and highways.
3. The proposed service area for the digital data is 900 acres and the notice documents show 3600 acres; please clarify the difference in the approximate total acreage.

Staff also recommends that the City be ordered not to provide notice until the Application is found administratively complete and accepted for filing.