



Control Number: 45489



Item Number: 15

Addendum StartPage: 0

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

§  
§  
§  
§  
§

PUBLIC UTILITY COMMISSION

OF TEXAS

2016 JUL -8 AM 9:03  
PUBLIC UTILITY COMMISSIO.  
FILING CLERK

### 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. 4 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 May 11, 2016, Order No. 4 was issued finding the application administratively incomplete and establishing a deadline of July 8, 2016 for Staff to file additional comments regarding the administrative completeness of the application, along with a proposed procedural schedule if deemed administratively complete. 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, May 16, 2016, and June 28, 2016 and, as detailed in the attached memorandum from Sean Scaff, Gary Horton, and Tracy Montes in the Commission's Water Utility Regulation Division, Staff recommends that the application be found administratively complete and accepted for filing. Staff therefore recommends that Gregory be ordered to provide notice as detailed in the attached memorandum.

More specifically, Staff recommends that Gregory be directed to provide correct notice of the application to the following:

- a) any districts, utilities, and cities within five (5) miles of the proposed service area;

15

- b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
- c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and
- d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified.

Staff also recommends that Gregory be directed to publish notice once each week for two consecutive weeks in a newspaper of general circulation in San Patricio County and that Gregory be directed to include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties, and each landowner.

### **III. PROCEDURAL SCHEDULE**

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

| <b>Event</b>  | <b>Date</b>  |
|---|--|
| Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation | August 22, 2016  |
| Deadline for Staff to file a recommendation on sufficiency of notice  | Within 10 days of Applicant filing proof of completed notice with the Commission |
| Deadline to intervene   | 30 days after notice is issued   |

### **IV. CONCLUSION**

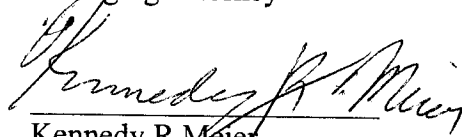
For the reasons stated above, Staff respectfully recommends that Gregory's application be found administratively complete and that Gregory be ordered to provide notice as detailed above and in the attached memorandum. Staff further recommends that the procedural schedule proposed above be adopted for continued processing of this case.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

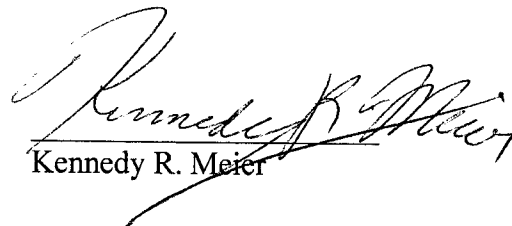


Kennedy R. Meier  
State Bar No. 24092819  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7265  
(512) 936-7268 (facsimile)

**DOCKET NO. 45489**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 8<sup>th</sup> of July, 2016 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

## PUC Interoffice Memorandum

---

**To:** Kennedy Meier, Attorney  
Legal Division

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

**From:** Sean Scaff, Engineering Specialist  
Gary Horton, GIS Specialist  
Tracy Montes  
Water Utilities Division

**Date:** July 5, 2016

**Subject:** **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 (Gregory) filed with the Public Utility Commission (Commission) an application to obtain water and sewer Certificates of Convenience and Necessity (CCN) in San Patricio County, Texas. Gregory currently serves customers in the city but purchases water from San Patricio Municipal Water District. Gregory seeks to acquire CCNs for the area within their city limits and extraterritorial jurisdiction.

Based on Staff's review of the above referenced application and supplemental filings on June 28, 2016, Staff recommends that the application be deemed sufficient for filing. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
  - a) any districts, utilities, and cities within five (5) miles of the proposed service area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in San Patricio County.
- 2) The Applicant should provide correct notice of the application to the following entities:
  - City of Aransas Pass (CCN 11181 and CCN 20456)
  - City of Corpus Christi
  - City of Ingleside (CCN 10562 and CCN 20202)
  - City of Portland (CCN 10541 and CCN 20216)
  - Nueces River Authority
  - Port of Corpus Christi Authority
  - Rincon WSC (CCN 11440)
  - San Patricio County
  - San Patricio Groundwater Conservation District
  - San Patricio County Drainage District

- San Patricio County Navigation District 1
- San Patricio MWD

- 3) The Applicant be ordered to include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>, and
- 4) The Applicant file within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Additional items to be addressed during the technical review phase:

- 1) The Applicant must provide documentation signed by the following district(s) allowing the Applicant to provide retail (water and/or sewer) service(s) within the district's boundaries:
  - a. San Patricio MWD

***Notice to Current Customers, Neighboring Systems, Landowners and Cities***

**NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER AND SEWER IN SAN PATRICIO  
COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City                      State                      Zip)

Date Notice Mailed: \_\_\_\_\_, 2016

The City of Gregory has submitted an application with the Public Utility Commission of Texas to obtain water and sewer Certificates of Convenience and Necessity (CCNs) in San Patricio County:

The proposed utility service area is located within approximately 4 miles north of downtown Portland, Texas, and is generally located on the north by County Road 1722; on the east by Laquinta Road; on the south by FM 3239; and on the west by FM 2986.

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 2930 acres and serves 696 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.



***NOTICE FOR PUBLICATION***

**NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER AND SEWER IN SAN PATRICIO  
COUNTY, TEXAS**

The City of Gregory has submitted an application with the Public Utility Commission of Texas to obtain water and sewer Certificates of Convenience and Necessity (CCNs) in San Patricio County:

The proposed utility service area is located within approximately 4 miles north of downtown Portland, Texas, and is generally located on the north by County Road 1722; on the east by Laquinta Road; on the south by FM 3239; and on the west by FM 2986.

The total area being requested includes approximately 2930 acres and serves 696 current customers.

A copy of the proposed service area map is available at: 204 W. 4th Street, Gregory, Texas 78359.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. 45489

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_ ,

who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF UTILITY)

that the attached notice was provided to landowners and other affected parties by

\_\_\_\_\_  
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit \_\_\_\_\_,  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



## PUBLISHER'S AFFIDAVIT DOCKET NO. 45489

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_ ,

who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)\_

and that the attached notice was published in said newspaper on the following dates, to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_