



Control Number: 45489



Item Number: 47

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

2017 JUN 12 11:07
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON MAPS

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Maps in response to Order No. 11 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 November 10, 2016, Gregory filed proof of notice. On January 25, 2017, Gregory filed a supplement to its proof of notice. On April 13, 2017, Staff filed a motion to dismiss the application for failure to prosecute due to Gregory's failure to address landowner opt-out requests under Texas Water Code (TWC) § 13.246(h). On April 19 & 20, 2017, Gregory filed additional mapping information. On May 10, 2017, Staff filed a recommendation that Gregory's mapping information remained deficient, that Gregory had not provided adequate information demonstrating the need for service, and that the application should be dismissed. On May 12, 2017, Gregory filed additional mapping information.

On May 26, 2017, Order No. 11 was issued establishing a deadline of June 12, 2017 for Staff to file a recommendation on Gregory's May 12 filing or propose a procedural schedule. This pleading is therefore timely filed.

II. RECOMMENDATION

As detailed in the attached memorandum from Sean Scaff and Gary Horton in the Commission's Water Utility Regulation Division, the maps contained in the Gregory's May 12

filing do not adequately address the opt-out requests. Staff therefore reiterates its recommendation that the application be dismissed.

III. CONCLUSION

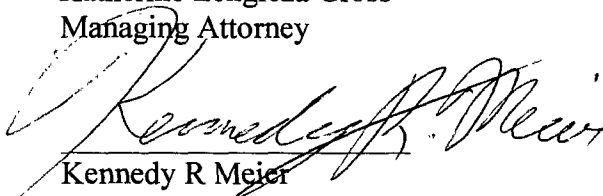
For the reasons detailed above, Staff respectfully reiterates its motion that Gregory's application be dismissed for failure to prosecute under 16 TAC § 22.181(d)(6).

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

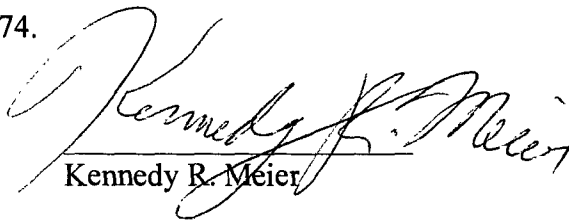


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DOCKET NO. 45489

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 12th of June, 2017 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: June 12, 2017

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 or Applicant) 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.

On May 12, 2017, the Applicant submitted revised maps and digital data to Commission Staff. A Commission Staff review of the re-submitted mapping information shows the mapping information provided still remains deficient. The Applicant has continued to fail to incorporate all of the requested landowner opt-outs in creating a revised proposed area, namely that from The Port of Corpus Christi Authority (PCCA), in the southern and southeastern portions of the last iteration of the proposed area. The PCCA filed those documents on September 9, 2016.

Due to a history of application and mapping deficiencies throughout the Docket, and the deficiencies in the Applicant's response to Staff's motion to dismiss this proceeding, Commission Staff again requests dismissal of the docket.