



Control Number: 45489



Item Number: 6

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**DOCKET NO. 45489**

**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**

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Recommendation on Administrative Completeness in response to Order No. 1 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.

Order No. 1, issued January 6, 2016, requires Staff to file comments on the administrative completeness of the application and proposed notice, along with a proposed procedural schedule, by February 1, 2016. This pleading is therefore timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Gregory's application and, as supported by the attached memorandum from Sean Scaff and Gary Horton of the Commission's Water Utility Regulation Division, Staff recommends the application be found administratively incomplete. The application and the mapping information provided are both missing information Staff needs in order to evaluate the application. Staff therefore recommends that Gregory be ordered to correct the deficiencies, as detailed in the attached memorandum. Staff also recommends that Gregory be ordered not to provide notice until the application is found administratively complete.

Staff requests that Gregory be given until March 2, 2016 to correct the deficiencies. Staff further requests that it be given until April 1, 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 application and mapping information supplied by Gregory. Accordingly, Staff has not proposed a procedural schedule at this time.

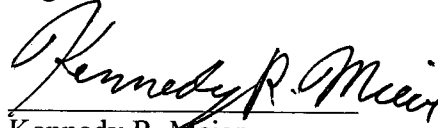
### **IV. CONCLUSION**

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 March 2, 2016. Staff requests that it be given until April 1, 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

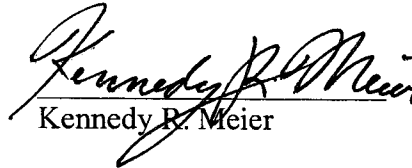


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 1<sup>st</sup> of February, 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:** January 29, 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 provide the following information:

1. Provide a list of neighboring utilities, districts, and any other entities providing the same type of service within a 5-mile boundary from the proposed service area. This is a requirement of new water and/or sewer CCN applications pursuant to 16 TAC § 24.106(b)(1).
2. Provide documentation showing that the City has submitted requests for service from neighboring utilities providing the same type of service within a 5-mile boundary from the proposed service area.
3. Provide completed public notices that will be sent to residents of the city, private land owners within the proposed area, county judges of the county, and each groundwater conservation district that is wholly or partly included in the area proposed to be certified within a 5-mile boundary from the proposed service area.
4. Provide a signed and notarized oath.

The Applicant should also address the following mapping information:

1. Provide a small scale (general location) map only showing the location of the proposed service area(s) in the vicinity of the nearest town, city, or county.

2. Provide a large scale (detail) map only delineating the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in the vicinity of surrounding roads, streets, and highways.
3. Provide digital data only including the proposed water and/or sewer service area(s) in either a drawing (DWG) or shapefile (SHP) format on a data disk (CD) **OR** submit metes and bounds (legal description).

Staff recommends that the City be ordered to not publish notice until the application is deemed sufficient.