



Control Number: 45702



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**SOAH DOCKET NO. 473-16-5296.WS
P.U.C. DOCKET NO. 45702**

RECEIVED

**APPLICATION OF CITY OF CIBOLO §
FOR SINGLE CERTIFICATION IN §
INCORPORATED AREA AND TO §
DECERTIFY PORTIONS OF GREEN §
VALLEY SPECIAL UTILITY §
DISTRICT'S SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
GUADALUPE COUNTY §**

**STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

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

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Administrative Completeness. In support thereof, Staff would show the following:

I. BACKGROUND

On March 8, 2016, The City of Cibolo (Cibolo) filed an application for single certification of an area within its corporate limits and to decertify that portion of the Green Valley Special Utility District's (Green Valley) sewer certificate of convenience and necessity (CCN) in Guadalupe County. On July 26, 2016, this case was referred to the State Office of Administrative Hearings (SOAH). SOAH Order No. 12, issued August 14, 2017, set August 24, 2017 as Staff's deadline to file a recommendation on the sufficiency of Cibolo's application and the sufficiency of notice.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff recommends that Cibolo's application be found administratively complete, as supported by the attached memorandum of Patricia Garcia of the Water Utility Regulation Division. Cibolo has demonstrated that no retail public utility facilities will be rendered useless or valueless to the retail public utility, and no property will be transferred as a result of this proceeding, as the Commission's Interim Order ruled on June 29, 2017.

III. RECOMMENDATION ON NOTICE

Pursuant to TAC § 24.120(b)¹, Cibolo was required to notify Green Valley in writing of its intent to provide service to the annexed area prior to filing its application for single certification. Staff has reviewed the notice Cibolo sent to Green Valley on August 18, 2015, and recommends that it meets the § 24.120(b) notice requirement. Order No. 2, issued April 12, 2016, also required Cibolo to provide notice of the application to Green Valley. Cibolo filed proof of notice to Green Valley on April 13, 2016. Staff recommends that this notice be found sufficient.

IV. CONCLUSION

Staff respectfully requests that Cibolo's application be found administratively complete and notice be found sufficient.

¹ Rule 24.120 has since been repealed and replaced, with the new version put into effect May 28, 2017. Both require written notice to be sent to the CCN holder 180 days before the application for single certification is filed.

Dated: August 24, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS 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 August 24, 2017, in accordance with P.U.C. Procedural Rule 22.74.



Landon J. Lill

PUC Interoffice Memorandum

To: Landon Lill
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Engineering Specialist
Water Utility Regulation Division

Date: August 23, 2017

Subject: **Docket No. 45702**, *Application of City of Cibolo for Single Certification in Incorporated Area and to Decertify Portions of Green Valley Special Utility District's Sewer Certificate of Convenience and Necessity in Guadalupe County.*

On March 8, 2016, City of Cibolo (Cibolo), filed with the Public Utility Commission (PUC) an application pursuant to Tex. Water Code Ann. § 13.255 (TWC) and 16 Tex. Admin. Code § 24.120 (TAC) to obtain single certification in an incorporated area and to decertify portions of Green Valley Special Utility District's (Green Valley SUD's) sewer Certificate of Convenience and Necessity (CCN) No. 20943 in Guadalupe County. Cibolo is seeking to take over approximately 1689 acres of non-contiguous parcels belonging to Green Valley SUD. The requested area is currently within Green Valley SUD's sewer CCN.

The information contained in the application is sufficient for Staff to conduct its review.