

Control Number: 45702



Item Number: 8

Addendum StartPage: 0



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

Ms. Dickenson's Direct Line: (512) 322-5804
Email: cdickenson@lglawfirm.com

April 13, 2016

Honorable Susan E. Goodson
Administrative Law Judge
Public Utility Commission
Central Records – Room 8-100
1701 N. Congress Avenue
Austin, Texas 78701

RECEIVED
2016 APR 13 PM 3:0.
PUBLIC UTILITY COMMISSION
FILING CLERK

Re: **PUC Docket No. 45702**; Application of the City of Cibolo ("**City**") for Single Certification in Incorporated Area and to Decertify Portions of Green Valley Special Utility District's Sewer CCN in Guadalupe County

Dear Administrative Law Judge Goodson:

On April 7, 2016, Public Utility Commission ("**PUC**") Staff filed its Comments on Completeness indicating that the above-referenced application was administratively incomplete and deficient. On April 12, 2016, Order No. 2 was issued, affirming the PUC Staff's findings and requiring the City to cure such deficiencies by May 11, 2016. At this time, the City is providing its proof of service of its application to Green Valley SUD, attached as **Attachment A**.

If there are any questions regarding this submittal, I can be reached at 512-322-5804 or cdickenson@lglawfirm.com.

Sincerely,

Christie L. Dickenson

CLD/dsr
Enclosures

8

ATTACHMENT A

**AFFIDAVIT OF NOTICE TO GREEN VALLEY SPECIAL UTILITY DISTRICT
PUC DOCKET NO. 45702**

THE STATE OF TEXAS

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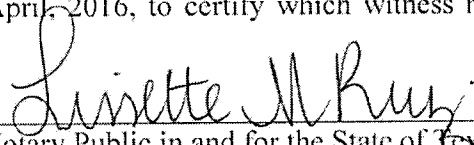
COUNTY OF TRAVIS

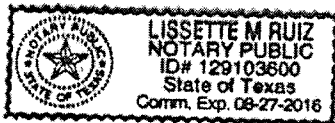
I, Christie Dickenson, being duly sworn, file this form as attorney for the City of Cibolo, that in such capacity. I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application and have complied with all notice requirements in the application and that all such statements made and matters set for therein are true and correct.

I hereby certify that on April 12, 2016, the attached application was electronically sent to Mr. Mark A. Zeppa, attorney for Green Valley Special Utility District, and subsequently, was also electronically sent to Ms. J.J. Smith as directed by Mr. Zeppa's automatic email reply. I also hereby certify that on April 12, 2016, I mailed via certified mail, return receipt requested, a copy of the attached application to Mr. Pat Allen, General Manager for Green Valley Special Utility District, at the address provided on my cover letter.


Applicant's Authorized Representative

Subscribed and sworn to before me this 13th day of April, 2016, to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas



Lissette M. Ruiz
Print or Type Name of Notary Public

Commission Expires 8/27/16



Ms. Dickenson's Direct Line: (512) 322-5804
Email: edickenson@lglawfirm.com

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Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

April 12, 2016

Law Offices of Mark H. Zeppa
Attn: Mr. Mark Zeppa
4833 Spicewood Springs, Suite 202
Austin, Texas 78759

VIA ELECTRONIC MAIL

Green Valley Special Utility District
Attn: Mr. Pat Allen, General Manager
529 South Center Street
Marion, Texas 78124

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: City of Cibolo's Notice of Application; PUC Docket No. 45702

Dear Sirs:

On August 19, 2015, the City of Cibolo (the "City") provided Green Valley Special Utility District ("GVSUD") with notice under Texas Water Code ("TWC") § 13.255 that the City intends to provide retail sewer service and decertify portions of GVSUD's sewer Certificate of Convenience and Necessity ("CCN") No. 20973 that are within the City's corporate limits.

This letter hereby notifies GVSUD that on March 8, 2016, the City filed its application to amend CCN No. 20973 under TWC § 13.255 with the Public Utility Commission. Attached hereto for your convenience is a file-stamped copy of that March 8, 2016 application.

Should you have any questions, please feel free to contact me at (512) 322-5804 or edickenson@lglawfirm.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Christie L. Dickenson".

Christie L. Dickenson

CLD/dsr
Enclosure

cc: Robert Herrera, City Manager, City of Cibolo (w/o enclosures)
David Klein, of the Firm (w/o enclosures)

7076113.3

Lloyd Gosselink Rochelle & Townsend, P.C.



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

Application to Obtain or Amend a Certificate of Convenience and Necessity (CCN) Under Water Code Section 13.255

Docket Number: _____

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original shall be filed with

Public Utility Commission of Texas
Attention: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are
required.

1. Purpose of application

Check all boxes that apply.

The purpose of this application is to:

☒ Obtain single certification to a service area within the cities limits; and /or

☐ Amend Certificate of Convenience and Necessity (CCN) No. _____

to provide ☐ water or ☒ sewer service to:

portions of the City of Cibola's corporate limits (Subdivision or Area) and to decertify

a portion of Green Valley Special Utility District's Sewer CCN No. 20973 (Name of Utility and CCN No.)

2. Applicant

Name of City: City of Cibola

Mailing address: 200 S. Main/P.O. Box 826, Cibola, Texas 78108

Phone: (210) 658-9900

Fax: (210) 658-1687

Email: rhorrera@cibolatx.gov

Tax Identification number: N/A

3. County or counties		
Name of county(ies) where the city intends to provide retail public utility service: Guadalupe County		
4. Contact information		
Contact person regarding this application:		
Name: David Klein	Title: Attorney	
Mailing address: 816 Congress Avenue, Suite 1900, Austin, Texas 78701		
Phone: (512) 322-5818	Fax: (512) 472-0532	Email: dklein@lglawfirm.com
5. Retail public utility		
Retail public utility currently certificated to the area involved in this application:		
Utility Name: Green Valley Special Utility District ("GVSUD")	Title:	
Mailing address: P O. Box 99, Marion, Texas 78124-0099		
Phone: (830) 914-2330	Fax: (830) 420-4138	Email:
Retail public utility contact person regarding negotiations with the city over the service area involved:		
Name: Pat Allen	Title: General Manager	
Mailing address: P O. Box 99, Marion, Texas 78124-0099		
Phone: (830) 914-2330	Fax: (830) 420-4138	Email: pallen@gvsud.org
6. Service area		
On what date was this proposed service area incorporated by the city? <u>The service area was annexed between 2009-2013.</u>		
7. Negotiation date between city and retail public utility		
On what date did negotiations begin between the city and the retail public utility? <u>August 18, 2015</u>		
8. Notice date		
On what date was notice of the city's intent to provide service to the incorporated or annexed area provided to the retail public utility made? <u>August 18, 2015</u>		
Please attach a copy of the notice provided. Also attach a copy of the mailing list indicating to whom such notice was provided. See <u>Attachment A</u>		
9. Description of retail public utility facilities		
Please provide a brief description of the retail public utility's facilities in the service area involved in this application. Also indicate how many customers are currently receiving service from the retail public utility in this area: It is the City's understanding that GVSUD has no wastewater facilities and no wastewater customers in the area to be decertified by this application.		

10. Service start date

Provide the date when city service to the area can begin. Upon approval by PUC.

11. Franchised utility information

If the city will allow a franchised utility to provide service to the area involved, please attach a copy of the city consent or franchise agreement and provide the following information:

Utility Name: N/A

Mailing address:

Phone:

Fax:

Email:

Franchised Utility's CCN Number:

Franchised Utility's contact person and their address:

Name:

Title:

Mailing address:

Email:

Phone:

Phone:

Fax:

Email:

12. Paper map requirements

All maps should include applicant's name, address, telephone number, and date of drawing or revision and be folded to 8½ x 11 inches. See Attachment B

Attach the following maps with each copy of the application:

A. Subdivision plat or engineering plans or other large scale map showing the following:

1. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).
2. Metes and bounds (if available).
3. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
4. Service area boundaries should be shown with such exactness that they can be located on the ground.

❖ *Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.*

B. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the official CCN map. This map will assist the Public Utility Commission in locating the proposed service area in relation to neighboring utility service areas.

C. Hard copy maps should include the following items:

1. Map scale should be prominently displayed.
2. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
3. Attach a written description of the proposed service area.
4. Proposed service area should be the same on all maps.
5. Include map information in digital format (if available), see 13, GIS map information.

D. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

❖ *For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC's website for assistance.*

13. GIS map information

A. Digital Map Requirements: In order that your digital data can be properly used, the following information is necessary:

1. Submit digital data of the proposed CCN service area on a CD, flash drive, or DVD. Two digital copies are necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a CD.
2. The digital data should include all items represented in the hard copy maps.
3. Please identify data file format, projection information, map units and base map used. Acceptable Data File Format:
 - a. ArcView shape file (preferred)
 - b. Arc/Info E00 file

❖ *For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.*

ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY.

THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS.

PLEASE NOTE THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO PROVIDE WATER/SEWER SERVICE IN THE REQUESTED AREA.

OATH

State of Texas

County of Guadalupe

I, Robert T. Herrera being duly sworn, file this

application under V.T.C.A., Water Code Section 13.255 as City Manager
(Name of the City); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.

Robert T. Herrera

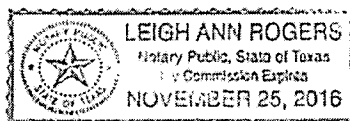
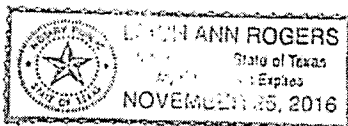
AFFIANT

(Applicant's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of
Texas, this 7th day of December, 20 11

SEAL



NOTARY PUBLIC

ATTACHMENT A – NOTICE OF INTENT TO SERVE



From the Office of Robert T. Herrera, City Manager
City of Cibola 200 S. Main / PO BOX 826 Cibola, Texas 78108 (210) 658-9900 www.cibolatx.gov

August 18, 2015

Green Valley Special Utility District
Attn: Pat Allen, General Manager
529 South Center Street
Marion, TX 78124

VIA HAND DELIVERY & USPS REGULAR MAIL

Re: Notice of Intent by the City of Cibola to Provide Sewer Service in Corporate Limits

Dear Mr. Allen:

The City of Cibola ("City") currently provides retail sewer service to customers located within certain portions of the City's corporate limits and extra-territorial jurisdiction ("ETJ"). However, other portions of the City's corporate limits overlap with Green Valley Special Utility District's ("Green Valley SUD") sewer certificate of convenience and necessity ("CCN") No. 20973.

In accordance with Texas Water Code § 13.255, the City hereby provides Green Valley SUD with notice that the City intends to provide retail sewer service to the areas within its corporate limits that overlap with Green Valley SUD's sewer CCN service area ("Transition Areas"), which are more specifically depicted in light blue on the attached map, attached hereto as Attachment A. The yellow areas on Attachment A are additional tracts that are currently subject to annexation agreements with the City, and the City anticipates annexing these tracts in the near future. For your convenience, attached hereto as Attachment B, are field notes for the entire light blue and yellow shaded areas, which are bounded on the south by U.S. Interstate Highway 10; on the west by Cibola Creek, on the north by Lower Seguin Road, Haackerville Road, and Arizona Road; and on the east by the Court Decreed ETJ Boundary of the City and the City of Marion, as well as the boundaries of GCAD Parcel Nos. 70979 and 71064.

We look forward to discussing the terms of an agreement between the City and Green Valley SUD, which will detail the arrangement between the parties for the City's provision of retail sewer service to these Transition Areas. If you have any questions, please contact me at (210) 658-9900.

Sincerely,

A handwritten signature in cursive script that reads "Robert T. Herrera".

Robert T. Herrera
City Manager

CC: Mayor Jackson | City Council | Peggy Cimies, City Secretary | Rudy Klein, Director of Planning & Engineering

Enclosure(s)

ATTACHMENT B



Field Notes for a 5,882 Acre area of land to be Certified into the City of Cibola's Certificate of Convenience and Necessity (CCN) area, said 5,882 Acres of land is in the existing City Limits or ETJ of the City of Cibola, Guadalupe County, Texas.

Beginning at the intersection of Hackerville Road and Arizpe Road, said intersection being 7,515 feet south of the intersection of Hackerville Road and Farm to Market Road 78, said point of beginning also being in the Extra Territorial Jurisdictional (ETJ) area for the City of Cibola, Guadalupe County, Texas.

Thence in an easterly direction with Arizpe Road, approximately 2,304 feet to the intersection and crossing of Town Creek, an intermittent tributary to the Cibola Creek;

Thence in an easterly direction with the meanders of Town Creek, approximately 6,860 feet to the intersection of Pfenstiel Lane and the Court Decreed ETJ Boundary between the City of Cibola and the City of Marion;

Thence in a southerly direction with the Court Decreed ETJ Boundary between the City of Cibola and the City of Marion, approximately 25,565 feet to the northeast corner of a 124.75 acre tract of land identified by the Guadalupe County Appraisal District as Parcel # 70979;

Thence in a southerly direction with the east line of said 124.75 acre tract, approximately 1,630 feet to the southeast corner of said tract, also being the north east corner of a 7.658 acres tract of land identified by the Guadalupe County Appraisal District as Parcel # 71064;

Thence in a southerly direction with the east line of said 7.658 acre tract, approximately 330 feet to the southeast corner of said tract, also being on the north right-of-way line of Interstate Highway 10;

Thence in a southwesterly direction with the north right-of-way line of Interstate Highway 10, approximately 20,900 feet to the intersection and crossing of the Cibola Creek, the centerline of said Cibola Creek also being the western limit of the ETJ of the City of Cibola;

Thence in a northerly direction with the meanders of Cibola Creek, approximately 21,350 feet to the intersection and crossing of Lower Seguin Road.

Thence in an easterly direction with Lower Seguin Road, approximately 7,005 feet to the intersection with Hackerville Road;

Thence in a northerly direction with Hackerville Road, approximately 4,003 feet to the point of beginning and containing 5,882 acres more or less.

ATTACHMENT B

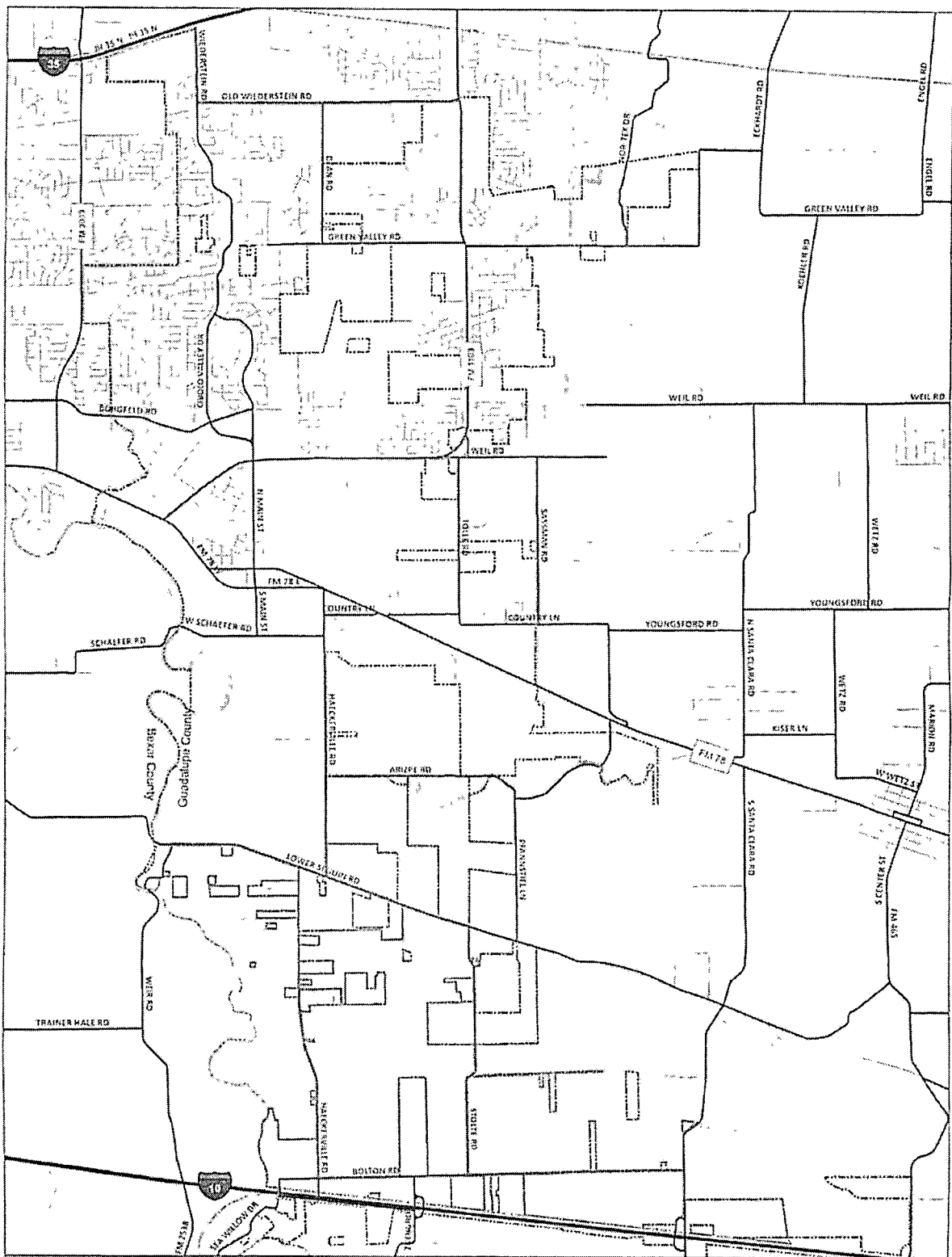
RESPONSE TO SECTION 12 – MAPPING

1. Large Scale Map depicting service area and area to be decertified (see attached map)
2. Small Scale Map depicting area to be decertified (see attached map)
3. Maps in digital format (see attached cd rom)
4. Written Description (see below):

Through this application, the City of Cibola requests single sewer CCN certification/decertification of approximately 1,694 acres of land from Green Valley SUD's sewer CCN No. 20973 ("Decertificated Land"). The Decertificated Land is within the corporate limits of the City, and is generally bounded on the south by U.S. Interstate Highway 10; on the west by Cibola Creek; on the north by Lower Seguin Road, Hackerville Road, and Arizpe Road; and on the east by the Court Decreed ETJ Boundary of the City and the City of Marion, as well as the boundaries of Guadalupe County Appraisal District Parcel Nos. 70979 and 71064.

ATTACHMENT B.1. LARGE SCALE MAP (OVERSIZED DOCUMENT)

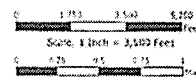
ATTACHMENT B.2. SMALL SCALE MAP



City of Cibolo **Proposed Wastewater CCN Boundaries** Requested Decertification from Green Valley SUD Sanitary Sewer CCN March 7, 2016

City of Cibolo
 209 S. Main Street, Cibola, Texas 78108
 210-658-5900 Ext. 3139

Information about the City of Cibolo's Geographic Information System (GIS) and Map. The information used in this application was derived from the City of Cibolo's GIS. Although we strive to provide the most accurate and up-to-date information possible, we cannot guarantee the accuracy of the information. The City of Cibolo is not responsible for any errors or omissions in this application. The City of Cibolo is not responsible for any damages or losses resulting from the use of this application. The City of Cibolo is not responsible for any legal actions or claims resulting from the use of this application. The City of Cibolo is not responsible for any other actions or claims resulting from the use of this application.



EXPLANATION	
	City of Cibolo Limits
	City of Cibolo Requested Decertification from Green Valley SUD Sanitary Sewer CCN
	Current City Cibolo Sewer Service Area

ATTACHMENT B.3. MAPS IN DIGITAL FORMAT

