



Control Number: 45702



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APPLICATION OF THE 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 §

BEFORE THE PUBLIC UTILITY

2016 APR 22 PM 2:37  
PUBLIC UTILITY COMMISSION  
FILING CLERK

COMMISSION OF TEXAS

**GREEN VALLEY SPECIAL UTILITY DISTRICT'S MOTION TO INTERVENE  
 AND DEADLINE REQUEST**

Green Valley Special Utility District ("Green Valley SUD") files this Motion to Intervene in this docket involving City of Cibolo's ("City" or "Applicant") Application for Single Certification in Incorporated Area and to Decertify Portions of Green Valley SUD's Sewer Certificate of Convenience and Necessity ("CCN") in Guadalupe County ("Application") and in support would show as follows.

**Motion to Intervene**

Green Valley SUD is a TWC Chapter 65 special utility district ("SUD"). Texas Water Code ("TWC") §13.255 and P.U.C. SUBST. R. 24.120 set forth provisions relating to a "Single Certification in Incorporated or Annexed Areas" process designed to take certificated service area away from certain types of retail public utilities, including SUDs. The process contemplates the Commission holding a hearing on the application involving the applicant and the retail public utility to be decertified. Further, if the Commission accepts and approves such an application,<sup>1</sup> the decertified entity is entitled to just compensation.

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<sup>1</sup> In Order No. 2, the Application was found "administratively incomplete and deficient." Thus, it is not yet considered filed.

Here, Order No . 2 states that the Application is “administratively complete and deficient” and, therefore, not considered filed under P.U.C. SUBST. R. 24.8(a). Nevertheless, Green Valley SUD finds itself in the role of the retail public utility against which the City seeks decertification for certain portions of Green Valley SUD’s sewer CCN No. 20973 service area. Green Valley SUD stands to suffer economic loss if the Commission accepts and approves the Application and does not award Green Valley SUD just compensation. Thus, in the event the Application is accepted and considered filed, Green Valley SUD “(1) has a right to participate which is expressly conferred by statute, commission rule, order or other law;” and “(2) has . . . a justiciable interest which may be adversely affected by the outcome of the proceeding.”<sup>2</sup> Green Valley SUD hereby moves to intervene in this docket and for party status as an Intervenor even though the Application has not yet been accepted as filed.<sup>3</sup>

#### **Deadline Request for Debt Information Filing**

P.U.C. SUBST. R. 24.120 requires a retail public utility with outstanding debt that would be decertified in a TWC § 13.255 application proceeding to file “a written list with the names and addresses of the lienholders and the amount of debt” within “ten calendar days after receipt of notice that a decertification process has been initiated.”<sup>4</sup> Such a retail public utility is also required to “notify the lienholders of the decertification process and request that the lienholder provide information to the commission sufficient to establish the amount of compensation necessary to avoid impairment of any debt allocable to the area in question.”<sup>5</sup>

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<sup>2</sup> P.U.C. PROC. R. 22.103(b)(1)-(2)).

<sup>3</sup> P.U.C. PROC. R. 22.102(a)(3); P.U.C. PROC. R. 22.104(b).

<sup>4</sup> P.U.C. SUBST. R. 24.120(b)(1).

<sup>5</sup> P.U.C. SUBST. R. 24.120(b)(2).


Apparently, the notice of this proceeding was sent to a street address of Green Valley SUD and not its P.O. Box address. Further, it was sent to different counsel Green Valley SUD just received a copy of the notice today. Therefore it respectfully requests until Monday, May 2, 2016, which is 10 days from today's date to file its debt information list and notify lienholders pursuant to P.U.C. SUBST. R. 24.120(b)(1)-(2) for good cause shown. Green Valley SUD would also emphasize that the Application is not yet considered filed and the decertification process has not actually been "initiated" in support of this request. Green Valley SUD is not certain whether the deadline for completing the aforementioned tasks has started.

**Conclusion and Prayer**

Green Valley SUD respectfully requests the Honorable Administrative Law Judge issue an order that: (1) grants Green Valley SUD's Motion for Intervention; (2) sets the deadline for Green Valley SUD's debt information filing for Monday, May 2, 2016; and (3) grants Green Valley SUD all other and further relief to which it is justly entitled at law or in equity.

Respectfully submitted,

By: \_\_\_\_\_



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**ATTORNEYS FOR GREEN VALLEY SPECIAL  
UTILITY DISTRICT**

## CERTIFICATE OF SERVICE

I hereby CERTIFY that on April 22, 2016, a true and complete copy of the above was sent by the method indicated to counsel of record at the following addresses in accordance with P.U.C. PROC. R. 22.74:

David Klein  
Christie Dickenson  
Lloyd Gosselink  
816 Congress Ave., Suite 1900  
Austin, Texas 78701

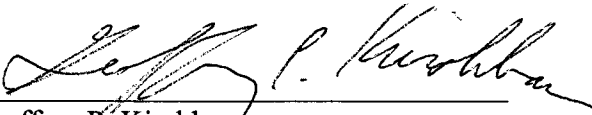
*via fax to: (512) 472-0532*

### ATTORNEY FOR APPLICANT

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*via fax to: (512) 936-7268*

### ATTORNEY FOR COMMISSION STAFF

  
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