



Control Number: 45919



Item Number: 8

Addendum StartPage: 0

APPLICATION OF CITY OF §
 PRINCETON TO AMEND A SEWER §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN COLLIN COUNTY §

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 PUBLIC UTILITY COMMISSION
 FILING OFFICE
 OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION FINDING APPLICATION
 ADMINISTRATIVELY COMPLETE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2 and Recommendation Finding Application Administratively Complete. In support thereof, Staff shows the following:

I. Background

On May 2, 2016, the City of Princeton (Princeton) filed an application to amend its sewer certificate of convenience (CCN) No. 21057 in Collin County. Princeton seeks to amend its sewer CCN to include the city limits and extra territorial jurisdiction of Lowry Crossing, Texas.

On June 7, 2016, Order No. 2 was issued finding the application incomplete and deficient and requiring Princeton to amend its application to cure all deficiencies by July 1, 2016. On June 10, 2016, Princeton amended its application to cure all deficiencies. Order No. 2 also required Staff to file a supplemental recommendation regarding administrative completeness of the application and propose a procedural schedule by August 5, 2016. Accordingly, this pleading is timely filed.

II. Recommendation on Administrative Sufficiency

Review for administrative completeness of CCN applications is governed by 16 Tex. Admin. Code § 24.8 (TAC). Furthermore, 16 TAC § 24.105 provides the Commission's required contents of a CCN application, and 16 TAC § 24.106 provides the Commission's notice requirements for CCN applications. As supported by the attached memorandum Patricia Garcia, Engineer, Fred Bednarski, Financial & Managerial Review Specialist, and Kristy Nguyen, GIS Specialist with the Water Utilities Division, Staff recommends the application be deemed

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administratively complete and sufficient for filing pursuant to 16 TAC §24.8. Staff also recommends the following:

1. The Applicant shall provide correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas;
 - c) landowners with more than 25 acres in the requested CCN service areas. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies;
 - d) the following entities located within a 2-mile buffer of the proposed amended area in accordance with 16 TAC § 24.106(b)(2):
 - City of McKinney 20071
 - North Texas MWD
 - City of Fairview
 - City of Lucas
 - City of Lowry Crossing
 - City of New Hope
 - North Texas GCD
 - Collin County
2. The Applicant shall include a copy of a map showing the proposed service areas with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating both the proposed water and sewer service areas with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
3. Notice is published once each week from two (2) consecutive weeks in a newspaper of general circulation in Collin County.

Staff further recommends that Princeton should file a copy of the actual notice and map issued with the individual mailed notice, tear sheets of the published notice, and the signed affidavits (copies attached), indicating that the publication and notice was given in accordance with 16 TAC § 24.106(b)(6) and § 24.106(c).

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Deadline for Princeton to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	September 19, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

IV. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.


Dated: August 4, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



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P.O. Box 13326
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(512) 936-7348
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DOCKET NO. 45919

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 4, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daignault

PUC Interoffice Memorandum

To: Ralph Daigneault, Attorney
Legal Division

Thru: Lisa Fuentes, Work Leader
Water Utilities Division

From: Patricia Garcia, Engineer
Fred Bednarski, Financial & Managerial Review Specialist
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: August 4, 2016

Subject: **Docket No. 45919;** *Application of City of Princeton to Amend its Sewer Certificate of Convenience and Necessity in Collin County*

On May 2, 2016, the City of Princeton (Applicant or Princeton) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 21057 in Collin County pursuant to 16 Tex. Admin. Code §§ 24.8 and 24.102-24.106 (TAC) and Tex. Water Code § 13.246(c) (TWC).

Staff has reviewed the supplemental information filed by the Applicant and finds the application administratively complete and sufficient for filing pursuant to 16 TAC §24.8. Staff recommends the following:

1. The Applicant shall provide correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas;
 - c) landowners with more than 25 acres in the requested CCN service areas. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies;
 - d) the following entities located within a 2-mile buffer of the proposed amended area in accordance with 16 TAC § 24.106(b)(2):
 - City of McKinney 20071
 - North Texas MWD
 - City of Fairview
 - City of Lucas
 - City of Lowry Crossing
 - City of New Hope
 - North Texas GCD
 - Collin County

2. The Applicant shall include a copy of a map showing the proposed service areas with the Docket No. 45919

individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating both the proposed water and sewer service areas with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

3. Notice is published once each week from two (2) consecutive weeks in a newspaper of general circulation in Collin County.
4. A copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that notice was given, are filed with the Commission.

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVEINCE AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN COLLIN COUNTY, TEXAS

To: _____
(Name of neighboring systems, cities and landowners)

Date Notice Mailed: ____, 2016

(Address)

(City State Zip)

The City of Princeton has filed an application with the Public Utility Commission of Texas to amend its sewer CCN 21057 in Collin County.

The proposed sewer service area is generally located approximately within a 3 mile west of downtown City of Princeton (adjacent to Princeton City Limits), Texas and is generally bounded on the north by US 380; on the east by 1.5 miles west of FM 982; on the south by FM 546; and on the west by FM 546.

See enclosed maps of the proposed sewer service area.

The proposed sewer service area being requested include approximately 2,914 acres and 0 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed CCN service areas, you may request to be excluded from the proposed CCN service areas (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested sewer CCN service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed sewer CCN service area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVEINCE AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN COLLIN COUNTY, TEXAS

The City of Princeton has filed an application with the Public Utility Commission of Texas to amend its sewer CCN 21057 in Collin County.

The proposed sewer service area is generally located approximately within a 3 mile west of downtown City of Princeton (adjacent to Princeton City Limits), Texas and generally bounded on the north by US 380; on the east by 1.5 miles west of FM 982; on the south by FM 546; and on the west by FM 546.

The proposed sewer service area being requested include approximately 2,914 acres and 0 current customers.

Maps showing the proposed sewer service area is available at:

123 W. Princeton Drive, Princeton, TX 75407, 972-736-2416

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided
individual notice to the following entities and landowners:

DATE

OATH

I, _____, being duly sworn, file this form as

_____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); 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 application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant 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 this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____
(TITLE)

of the _____
(NAME OF NEWSPAPER)

that said newspaper is regularly published in: _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas: and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____