



Control Number: 45956



Item Number: 102

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**SOAH DOCKET NO. 473-16-5739.WS  
P.U.C. DOCKET NO. 45956**

**APPLICATION OF CITY OF SCHERTZ §  
TO AMEND A SEWER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
UNDER WATER CODE SECTION 13.255 §  
AND TO DECERTIFY A PORTION OF §  
GREEN VALLEY SPECIAL UTILITY §  
DISTRICT'S CERTIFICATE RIGHTS IN §  
BEXAR COUNTY §**

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**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 May 11, 2016, the City of Schertz (Schertz) filed an application for single certification to provide sewer service to portions of the Schertz's corporate limits that are currently certificated to Green Valley Special Utility District (Green Valley). Schertz requests an amendment to its sewer certificate of convenience and necessity (CCN) number 20271, singly certifying Schertz to provide sewer service to approximately 405 acres of land within Schertz's corporate limits and decertification of property from Green Valley's sewer CCN number 20973. On August 18, 2016, this case was referred to the State Office of Administrative Hearings (SOAH). SOAH Order No. 8, issued August 10, 2017, set August 24, 2017 as Staff's deadline to file a recommendation on Issue 4 of the Preliminary Order, originally issued September 12, 2016.

**II. RECOMMENDATION**

Preliminary Order Issue No. 4 refers to whether Schertz's application is administratively complete pursuant to 16 Tex. Admin. Code § 24.8.<sup>1</sup> To make this determination, the Commission asks the following additional questions:

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<sup>1</sup> Preliminary Order (Sept. 12, 2016).

- a. Has Schertz demonstrated that no retail public utility facilities will be rendered useless or valueless to the retail public utility? TWC § 13.255(c) and 16 TAC § 24.120(c). If not, has Schertz included in its application all appraisals required under TWC § 13.255(1) and 16 TAC § 24.120(m)?
- b. Is Schertz requesting the transfer of specified property of a retail public utility? TWC § 13.255(c) and 16 TAC § 24.120(c). If so, has Schertz included in its application all appraisals required under TWC § 13.255(1) and 16 TAC § 24.120(m)?

Staff recommends that Schertz's application be found administratively complete, as supported by the attached memorandum of Patricia Garcia of the Water Utility Regulation Division. Schertz 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 July 28, 2017.

Schertz also provided proof of notice of the application to Green Valley on May 25, 2016. Staff recommends this be found sufficient.

#### **IV. CONCLUSION**

Staff respectfully requests that Schertz's Application be found administratively complete.

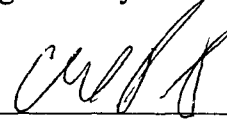
Dated: August 24, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

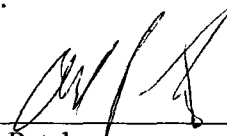


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 22, 2017, in accordance with P.U.C. Procedural Rule 22.74.



Alexander Petak

## PUC Interoffice Memorandum

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**To:** Alex Petak  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Patricia Garcia, Staff Engineer  
Water Utility Regulation Division

**Date:** August 23, 2017

**Subject:** **Docket 45956**, *Application of City of Schertz to Amend a Certificate of Convenience and Necessity under water code § 13.255 and to decertify a portion of Green Valley Special Utility District's service area in Bexar and Guadalupe Counties*

On May 11, 2016, the City of Schertz (Schertz) 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 by amending Schertz's sewer Certificate of Convenience and Necessity (CCN) No. 20271 and decertifying portions of Green Valley Special Utility District's (Green Valley SUD's) sewer CCN No. 20943 in Bexar and Guadalupe Counties. Schertz is seeking to take over approximately 405 acres of non-contiguous parcels.

A Staff review of the information filed by Schertz found that it is sufficient in the required mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete.