



Control Number 45956



Item Number 31

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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 §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S LIST OF ISSUES

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this List of Issues. In support thereof, Staff shows the following:

I. BACKGROUND

On May 11, 2016, the City of Schertz (the City) filed an application for single certification to provide sewer service to portions of the City's corporate limits that are currently certificated to Green Valley Special Utility District (GVSUD). The City requests an amendment to its sewer certificate of convenience and necessity (CCN) number 20271, singly certifying the City to provide sewer service to approximately 405 acres of land within the City's corporate limits and decertification of that property from GVSUD's sewer CCN number 20973. Pursuant to Order No. 3 and Tex. Water Code § 13.255(l), the City and GVSUD submitted their respective appraisals for the value of property rendered useless and valueless on July 15, 2016.

On August 16, 2016, this case was referred to the State Office of Administrative Hearings (SOAH) and Staff was permitted to file with the Commission a list of issues to be addressed in the docket by August 24, 2016. This pleading is therefore timely filed.

II. LIST OF ISSUES

1. Is the area for which the City seeks single certification currently within the certificated service area of a retail public utility?

2. If so, did the City provide written notice to the retail public utility of the City's intent to provide service to the area for which the City seeks certification? TWC § 13.255(b) and 16 TAC § 24.120(b).
3. If so, did the City wait more than 180 days after providing the written notice before the City filed its application with the Commission? TWC § 13.255(c) and 16 TAC § 24.120(c).
4. Is the City's application administratively complete pursuant to 16 TAC § 24.8? In making this determination, the following questions should be addressed:
 - a. Has the City 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 the City included in its application all appraisals required under TWC § 13.255(1) and 16 TAC § 24.120(m)?¹
 - b. Is the City requesting the transfer of specified property of a retail public utility? TWC § 13.255(c) and 16 TAC § 24.120(c). If so, has the City included in its application all appraisals required under TWC § 13.255(l) and 16 TAC § 24.120(m)?
5. Has the City demonstrated that its public-drinking-water systems comply with TCEQ's minimum requirements for public-drinking-water systems? TWC § 13.255(m) and 16 TAC § 24.120(n).
6. Has the retail public utility submitted to the Commission a written list with the names and addresses of any lienholders and the amount of the retail public utility's debt, if any? 16 TAC § 24.120(b)(1).
7. If any lienholders exist, has the retail public utility notified the lienholders of this decertification process consistent with 16 TAC § 24.120(b)(2)?

¹ See *Application of City of Heath to Amend a Certificate of Convenience and Necessity to Decertify a Portion of Forney Lake Water Supply Corporation's Service Area in Rockwall County*, Docket No. 44541, Order on Appeal of Order No. 4 (Aug. 24, 2015).

8. What is the adequate and just compensation to be paid to the retail public utility for any of its facilities that will be useless or valueless to it or that the City requests be transferred? TWC §§ 13.255(c), (g), (g-1), and (1) and 16 TAC § 24.120(c), (g), (h), and (m).
9. What property, if any, will be rendered useless or valueless to GVSUD by the decertification sought by the City in this proceeding? TWC § 13.254(c).
10. What property of GVSUD, if any, has the City requested be transferred to it? TWC § 13.254(c).
11. Are the existing appraisals limited to valuing the property that has been determined to have been rendered useless or valueless by decertification and the property that the City has requested be transferred?

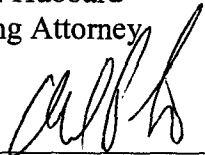
Dated: August 24, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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P.U.C. DOCKET NO. 45956
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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, 2016 in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'Alex Petak', is written above a horizontal line.

Alexander Petak