



Control Number 45956



Item Number 33

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PUBLIC UTILITY COMMISSION
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APPLICATION OF THE CITY OF §
SCHERTZ 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 §

PUBLIC UTILITY COMMISSION

OF TEXAS

CITY OF SCHERTZ'S PROPOSED LIST OF ISSUES

COMES NOW the City of Schertz ("Schertz"), by and through its undersigned attorneys of record, and files this Proposed List of Issues ("List of Issues") and would respectfully show the following.

I. BACKGROUND

On May 11, 2016, the City timely filed its application at the Public Utility Commission ("Commission") under Texas Water Code ("TWC") § 13.255 (the "Application") to grant the Schertz single sewer certification over certain, specific tracts of land that are currently within Schertz's corporate limits and that are also within the boundaries of Green Valley Special Utility District's ("GVSUD") sewer certificate of convenience and necessity ("CCN") No. 20973. On August 16, 2016, the Commission issued an order indicating that Schertz, GVSUD, Commission Staff, and any other interested person may file a list of issues to be addressed in the docket by August 24, 2016. Thus, Schertz's Proposed List of Issues is timely filed.

II. ISSUES TO BE ADDRESSED

Schertz contends that the list of issues established by the Commission in Docket No. 45702, concerning the Application of the City of Cibolo for single CCN certification in an incorporated area and decertify portions of GVSUD's sewer CCN in Guadalupe County are also applicable in this matter. Docket Nos. 45702 and 45956 both pertain to applications filed under TWC § 13.255 and 16 Tex. Admin. Code ('TAC') § 24.120, to decertify portions of GVSUD's sewer CCN. To be clear, Schertz proposes the following issues to be addressed in this matter:

1. Is the area for which the city of Schertz seeks single certification currently within the certificated service area of a retail public utility?
2. If so, did Schertz provide written notice to the retail public utility of Schertz's intent to provide service to the area for which Schertz seeks certification?
3. If so, did Schertz wait more than 180 days after providing the written notice before Schertz filed its application with the Commission?
4. Is Schertz's application administratively complete pursuant to 16 TAC § 24.8? In making this determination, the following questions should be addressed:
 - a. Has Schertz demonstrated that no retail public utility facilities will be rendered useless or valueless to the retail public utility? 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? If so, has Schertz included in its application all appraisals required under TWC § 13.255(1) and 16 TAC § 24.120(m)?
5. Has Schertz demonstrated that its public-drinking-water systems comply with TCEQ's minimum requirements for public-drinking-water systems?

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?
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)?
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 Schertz requests be transferred?
9. What property, if any, will be rendered useless or valueless to Green Valley by the decertification sought by Schertz in this proceeding?
10. What property of Green Valley, if any, has Schertz requested be transferred to it?
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 Schertz has requested be transferred?

III. ISSUES NOT BE ADDRESSED

1. Schertz, in its Application, did not request the transfer of any of GVSUD's wastewater property under TWC § 13.255(c) and 16 TAC § 24.120(c). Accordingly Schertz is willing to further stipulate to that fact with this filing, and it is not opposed to limiting the scope of issue Nos. 4, 5, 8, and 10, as appropriate.
2. Any issues regarding 7 U.S.C.A. § 1926(b) should be rejected in their entirety, as the Commission has already received briefing regarding such issues.

IV. THRESHOLD LEGAL OR POLICY ISSUES

Schertz has not identified any legal or policy issues that should be briefed for purposes of the preliminary order.

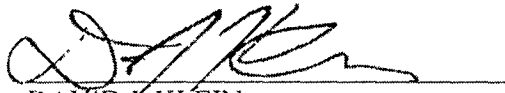
V. CONCLUSION AND PRAYER

Schertz respectfully requests that the Commission accept Schertz's List of Issues and such other and further relief to which it may be entitled.

Respectfully submitted,

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TOWNSEND, P.C.**

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ATTORNEYS FOR THE CITY OF SCHERTZ

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular first class mail on this 24th day of August, 2016 to the parties of record.

A handwritten signature in black ink, appearing to read 'David J. Klein', is written over a horizontal line.

David J. Klein