



Control Number: 45989



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<b>APPLICATION OF MUSTANG SPECIAL UTILITY DISTRICT TO AMEND A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY</b>	§ § § § § §	PUBLIC UTILITY COMMISSION <b>PUBLIC UTILITY COMMISSION</b>  <b>OF TEXAS</b>
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**COMMISSION STAFF'S ADMINISTRATIVE COMPLETENESS  
RECOMMENDATION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this response to Order No. 1, Staff's Administrative Completeness Recommendation. In support, thereof, Staff would show the following:

**I. BACKGROUND**

On May 24, 2016, Mustang Special Utility District (Mustang SUD) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20930 in Denton County. Mustang SUD seeks to decertify a portion of the City of Oak Point's (Oak Point) CCN because Oak Point no longer desires to provide sewer service to the area. Mustang SUD intends to serve the area previously served by Oak Point and to provide service in other previously uncertified areas as well. Some of the area within Oak Point's sewer CCN that Mustang SUD seeks to incorporate into its service area is within the corporate limits of the Town of Little Elm (Little Elm). A letter from the town manager of Little Elm indicates Little Elm's consent to the proposed amendment.

On May 26, 2016, the Commission administrative law judge (ALJ) issued Order No. 1, requiring Staff to file its recommendation regarding the administrative completeness of the application and the sufficiency of the applicant's notice by June 23, 2016. Therefore, this pleading is timely filed.

**II. DEFICIENCY RECOMMENDATION**

As detailed in the attached memorandum of Elisabeth English and Tracy Montes of the Water Utilities Division, Staff reviewed the materials submitted by Mustang SUD and determined that the application is not sufficient due to ambiguities in the mapping. First, Staff requires clarification on which areas Mustang SUD is seeking to have decertified from Oak

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Point's sewer CCN No. 20908 and subsequently added to Mustang SUD's sewer CCN No. 20930. The areas highlighted in yellow and red in the Specific Amendment Map, Attachment 3A, are not included in the General Location Map, Attachment 3. Staff recommends that Mustang SUD file a revised General Location Map that indicates not only the proposed service area, but also which areas are being decertified from other CCNs. Second, the proposed service area that Little Elm is currently seeking in another docket, Docket No. 43452, overlaps with the service area Mustang SUD is proposing in this docket. Staff recommends that Mustang SUD consult with Little Elm and Oak Point to resolve which areas are to be certified and decertified in both dockets and subsequently file revised maps or an explanation that includes Oak Point's and Little Elm's consents if necessary. For these reasons, Staff recommends that the application be found administratively incomplete at this time and that Mustang SUD be ordered to file a supplement addressing these deficiencies by July 14, 2016.

### **III. PROCEDURAL SCHEDULE**

Due to the deficiencies in the application, Staff does not recommend a procedural schedule for the evaluation of the merits of the application at this time. Furthermore, pursuant to 16 TAC § 24.8(d), an application is not considered filed until the Commission makes a determination of administrative completeness. If the ALJ agrees with Staff's deficiency recommendation, then the application is not administratively complete and therefore the application is not considered filed.

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that the Application be found insufficient and that Mustang SUD be ordered to file a supplement addressing the deficiencies identified by July 14, 2016.

**Dated: June 23, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

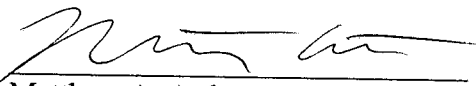
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**DOCKET NO. 45989  
CERTIFICATE OF SERVICE**

I, Matthew Arth, Attorney – Legal Division of the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record in this proceeding on June 23, 2016 in the following manner: via facsimile.



Matthew A. Arth

## PUC Interoffice Memorandum

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**To:** Matthew Arth, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Water Utilities Division

**From:** Elisabeth English, Engineering Specialist  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Date:** June 21, 2016

**Subject:** **Docket No. 45989:** *Application of Mustang Special Utility District to Amend a Sewer Certificate of Convenience and Necessity in Denton County*

On May 24, 2016, Mustang Special Utility District (Applicant) filed an application to amend its sewer certificate of convenience (CCN) No. 20930 in Denton County, pursuant to Tex. Water Code §§ 13.242-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-.120 (TAC).

Staff recommends that the application be deemed administratively incomplete and not accepted for filing. Staff recommends that the Applicant clarify the intent of the application in order for Staff to fully evaluate the sufficiency of the digital data and the small and large scale maps filed for the proposed sewer service area.

Staff needs clarification on the agreement and consent documents as they relate to the proposed sewer service areas shown on the 'General Location Map' and 'Specific Amendment Map,' which are included with the application as Attachments 3 and 3A. As presented, the application is seeking to decertify the yellow and red highlighted areas from the City of Oak Point's sewer CCN No. 20908 and to amend Mustang SUD's sewer CCN No. 20930 as noted in the agreement and 'Specific Amendment Map.' The intent of the application is unclear because the areas highlighted in yellow and red on the 'Specific Amendment Map' are not included in the proposed service area shown on 'General Location Map.'

Additionally, part of the proposed area in the application conflicts with proposed area in a separate application, Docket 43452. The Town of Little Elm's proposed sewer area (specifically, sewer tract 7) requested in Docket 43452 overlaps with the yellow and red highlighted areas shown on the 'Specific Amendment Map' in this docket. In Docket 43452, the Town of Little Elm is seeking to decertify a portion from the City of Oak Point's sewer CCN No. 20908 and add this portion to their sewer CCN No. 20931.

Staff recommends that the Applicant resolve the different proposed areas between each docket with both the Town of Little Elm and the City of Oak Point and file accordingly.