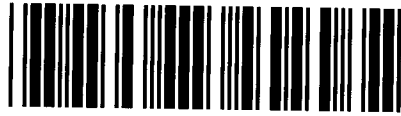


Control Number: 46503



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Addendum StartPage: 0

**DOCKET NO. 46503**

**PETITION BY SAN ANTONIO WATER §  
SYSTEM FOR PARTIAL §  
DECERTIFICATION OF ITS SEWER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN COMAL COUNTY §**

**PUBLIC UTILITY COMMISSION**

**RECEIVED  
2016 DEC -2 AM 10: 14.**

**OF TEXAS  
PUBLIC UTILITY COMMISSION  
FILING CLERK**

**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. 1 and Recommendation Finding Application Administratively Complete. In support thereof, Staff shows the following:

**I. Background**

On November 2, 2016, San Antonio Water System (SAWS) filed a petition for a partial decertification of its sewer certificate of convenience and necessity no. 20285 in Comal County. On November 7, 2016, Order No. 1 was issued requiring Staff to file comments regarding administrative completeness of the petition and proposed notice by December 2, 2016. Accordingly, this pleading is timely filed.

**II. Comments and Recommendation on Administrative Sufficiency**

As supported by the attached memorandum of Emily Sears, Financial Analyst and Kristy Nguyen, GIS Specialist with the Water Utilities Division, Staff recommends the petition be deemed administratively complete and sufficient for filing pursuant to 16 TAC §24.8. Staff also recommends that SAWS:

- 1) Provide notice of the application to the following:
  - a) any districts, utilities, and cities within two (2) miles of the proposed area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and
  - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Comal County.

- 2) Provide notice of the application to the following entities:
- Guadalupe Blanco River Authority (CCN No. 20892)
  - South Central Water Company (CCN No. 20964)
  - Comal County WCID 6
  - Johnson Ranch MUD
  - San Antonio River Authority
  - City of Bulverde
  - City of San Antonio
  - Edwards Aquifer Authority
  - Trinity Glen Rose GCD
  - Comal Trinity GCD
  - Honorable Judge Sherman Krause of Comal County
- 3) Include copy of a map showing the proposed service area with the individual notices to neighboring utilities, and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Within 30 days of the Commission order, file a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

### **III. Proposed Procedural Schedule**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for SAWS 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	January 16, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 14 days of SAWS 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: December 2, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



Ralph J. Daigneault  
State Bar No. 24040755  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7348  
(512) 936-7268 (facsimile)

**DOCKET NO. 46503**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 2, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

## **PUC Interoffice Memorandum**

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**To:** Ralph Daigneault  
Legal Division

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

**From:** Emily Sears, Financial Analyst  
Kristy Nguyen, GIS Specialist  
Water Utilities Division

**Date:** November 15, 2016

**Subject:** **Docket 46503**, *Petition of San Antonio Water System to Amend its Certificate of Convenience and Necessity (CCN) in Comal County*

On November 2, 2016, the San Antonio Water System (SAWS or Petitioner) filed with the Public Utility Commission of Texas (Commission) a petition to amend (decertify a portion of) its sewer Certificate of Convenience and Necessity (CCN) No. 20285 in Comal County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.254(a) and the 16 Tex. Admin Code (TAC) §§ 24.113(a).

A Staff review of the information filed by the petitioner found that it is sufficient in the required petition and mapping information. Therefore, Staff recommends that the petition be deemed sufficient for filing and found administratively complete. Staff further recommends the Petitioner:

- 1) Provide notice of the petition to the following:
  - a) any districts, utilities, and cities within two (2) miles of the proposed area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and
  - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Comal County.
- 2) Provide notice of the petition to the following entities:
  - Guadalupe Blanco River Authority (CCN No. 20892)
  - South Central Water Company (CCN No. 20964)
  - Comal County WCID 6
  - Johnson Ranch MUD
  - San Antonio River Authority
  - City of Bulverde
  - City of San Antonio
  - Edwards Aquifer Authority
  - Trinity Glen Rose GCD
  - Comal Trinity GCD
  - Honorable Judge Sherman Krause of Comal County

- 3) Include copy of a map showing the proposed service area with the individual notices to neighboring utilities, and other affected parties. It is the Petitioner's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Within 30 days of the Commission order, file a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Petitioner use the attached notices and affidavits to meet these requirements.

**Notice for Publication**

**NOTICE OF APPLICATION TO AMEND A SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) IN COMAL COUNTY, TEXAS**

The San Antonio Water System has filed an application with the Public Utility Commission of Texas to amend (decertify a portion of) its sewer Certificate of Convenience and Necessity No. 20285 in Comal County.

The proposed utility service area is located approximately **1 mile southeast of downtown Bulverde, Texas, and is generally bounded on the north by 0.5 miles south of FM 1863; on the east and south by Comal/Bexar County Border; and on the west by US 281.**

The total area being decertified includes approximately **314** acres and **0** current customers.

A copy of the proposed service area map is available at: San Antonio Water System, 2800 U.S. Hwy 281 North, San Antonio, Texas 78212, or by calling (210) 233-3742.

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:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 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, 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.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

***Notice to Neighboring Systems and Cities***

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN) IN COMAL COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2016  
(Neighboring System or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The San Antonio Water System has filed an application with the Public Utility Commission of Texas to amend (decertify a portion of) its sewer Certificate of Convenience and Necessity No. 20285 in Comal County.

The proposed utility service area is located approximately **1 mile southeast of downtown Bulverde**, Texas, and is **generally** bounded on the north by **0.5 miles south of FM 1863**; on the east and south by **Comal/Bexar County Border**; and on the west by **US 281**.

The total area being decertified includes approximately **314** acres and **0** current customers.

**See enclosed map of the proposed service area.**

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.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.



# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. 46503

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

has provided individual notice to the following entities:

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is owner,  
member or 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 \_\_\_\_\_, 2016 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. 46503

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

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, 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 \_\_\_\_\_