

Control Number: 46503



Item Number: 9

Addendum StartPage: 0

RECEIVED

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

PUBLIC UTILITY COMMISSION

2017 JAN 20 AM 10:55

PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

COMMISSION STAFF'S RECOMMENDATION FINDING NOTICE SUFFICIENT

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2 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 December 5, 2016, Order No. 2 was issued requiring SAWS to file proof of notice by January 13, 2017. SAWS filed proof of notice on January 6, 2017 and supplemental proof of notice on January 13, 2017. Order No. 2 also required Staff to file a recommendation on the sufficiency of notice within 14 days of SAWS filing its proof of completed notice. Accordingly, this pleading is timely filed.

II. Recommendation on Sufficiency of Notice

Staff reviewed the information provided by SAWS in response to Order No. 2. The application was accepted for filing by the Commission on December 5, 2016. Notice was sent on December 7, 2016, to current customers, neighboring systems, and cities in Comal County in accordance with 16 TAC § 24.112(c). On December 9 and 16, 2016 notice was published in *The Hart Beat* in accordance with 16 TAC § 24.112(c). On December 24 and 30, 2016 notice was published in the *New Braunfels Herald-Zeitung* in accordance with 16 TAC § 24.112(c). The affidavit of notice was received by the Commission on January 6, 2017. Supplemental proof of notice was filed on January 13, 2016. The comment period ends on January 30, 2017. Staff has reviewed the notice documents and finds them sufficient.

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Notice completed	December 30, 2016
Deadline for intervention	January 30, 2017 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to SAWS for review and consent	March 1, 2017
Deadline for SAWS to file signed consent forms with the Commission	March 15, 2017
If no hearing is requested, deadline for Staff to file a final recommendation on SAWS	March 22, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	March 29, 2017

IV. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.

¹ Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on December 7, 2016, and published on December 9, 16, 24 and 30, 2016. Therefore, 30 days after December 30, 2016 is January 29, 2017, a Sunday.


Dated: January 20, 2017

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)
ralph.daigneault@puc.texas.gov

DOCKET NO. 46503

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 20, 2017, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

Public Utility Commission of Texas

Memorandum

To: Ralph Daigneault, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

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

Date: January 20, 2017

Subject: **Docket No. 46503;** *Petition of San Antonio Water System to Amend its Certificate of Convenience and Necessity (CCN) in Comal County*

Background

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).

The application was accepted for filing on December 5, 2016. Proper notice was provided on December 7, 2016, to current customers, neighboring systems, and cities in Comal County in accordance with 16 TAC § 24.112(c). On December 9, 16, 24 and 30, 2016 notice was published in accordance with 16 TAC § 24.112(c). The affidavits of notice were received by the Commission on January 6 and 13, 2017. The comment period ends January 30, 2017. Staff has reviewed the notice documents and finds them sufficient.