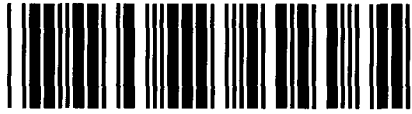


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Item Number: 5

Addendum StartPage: 0

APPLICATION OF CITY OF KYLE TO §  
AMEND A WATER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY AND §  
DECERTIFY A PORTION OF COUNTY §  
LINE SPECIAL UTILITY DISTRICT'S §  
SERVICE AREA IN HAYS COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

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FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF APPLICATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1 and Recommendation on Sufficiency of Application. In support thereof, Staff shows the following:

**I. BACKGROUND**

On December 9, 2016, the City of Kyle (City) filed with the Commission an application to amend their water Certificate of Convenience and Necessity (CCN) No. 11024 in Hays County and to decertify a portion of County Line Water Supply Corporation's (County Line WSC) CCN No. 10292. The proposed area includes approximately 9,689 acres. Order No. 1, issued December 16, 2016, required Staff to file a recommendation on the administrative completeness of the application and proposed notice by January 17, 2017. Staff and Kyle were also ordered to file a procedural schedule by the same date. This pleading is therefore timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE SUFFICIENCY**

Staff has reviewed the City's application and recommends it be found deficient for filing, as supported by the attached memorandum of Leila Guerrero, Rickey Herrera, and Tracy Montes of the Water Utilities Division (Attachment A). Staff recommends that the City not issue notice until the application is found administratively complete.

**III. PROCEDURAL SCHEDULE**

Staff recommends the application be found deficient. Staff therefore recommends the City be given until February 3, 2017 to correct the deficiencies noted in the memorandum and that Staff be given until March 3, 2017 to file a supplemental recommendation.

**IV. CONCLUSION**

Staff respectfully requests the entry of an order consistent with the above recommendation.

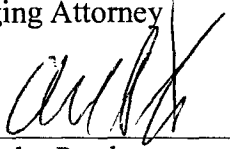
Dated: January 17, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

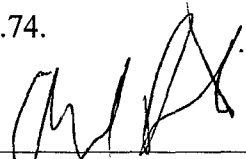
Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

  
\_\_\_\_\_  
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(512) 936-7377  
(512) 936-7268 (facsimile)  
Alexander.Petak@puc.texas.gov

**DOCKET NO. 46664  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record January 17, 2017, in accordance with 16 Texas Admin. Code § 22.74.

  
\_\_\_\_\_  
Alexander Petak

# **ATTACHMENT A**

## PUC Interoffice Memorandum

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**To:** Alexander Petak, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Heidi Graham, Manager  
Water Utility Regulation Division

**From:** Leila Guerrero, Regulatory Accountant/Auditor  
Ricky Herrera, Engineering Specialist  
Tracy Montes, GIS Specialist  
Water Utility Regulation Division

**Date:** January 12, 2017

**Subject:** **Docket No. 46664**, *Application of City of Kyle to amend a Water Certificate of Convenience and Necessity and Decertify a Portion of County Line Water Supply Corporation's Service Area in Hays County*

On December 9, 2016, the City of Kyle, ("Applicant" or "City") filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 11024 and to decertify a portion of County Line Water Supply Corporation's ("County Line WSC") CCN No. 10292 in Hays County, Texas. The total area being requested includes approximately 9,689 acres. This application is being reviewed pursuant to the criteria in the Tex. Water Code Ann. §§ 13.241 – 13.242, 13.244, 13.2451 and 13.246 (TWC) and 16 Tex. Admin. Code §§24.102 - 24.107 (TAC).

A Staff review of the above referenced application, found that it is deficient in the required mapping information pursuant to 16 TAC §24.105; therefore, staff recommends that the application be deemed insufficient for filing and found administratively incomplete.

### **Mapping**

Staff is unable to verify if the requested areas shown on each hard copy map corresponds to the same boundary provided in a digital shapefile format. The outer boundary of each requested area is not shown clearly in reference to surrounding roads, streets and highways on the hard copy maps. Staff recommends the Applicant submit the following items to resolve the mapping deficiencies:

- 1) A revised general location map identifying the requested areas in reference to the nearest county boundary, city, or town. Map should not show existing certificated service areas.
- 2) A revised detailed map identifying the requested areas in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. Maps should not show the corporate boundaries and existing certificated service areas.

Each of the above referenced maps must label, number and name each of the seven (7) requested areas as described in the Applicant's Exhibit A and include a corresponding legend. In addition, the Applicant should revise the proposed notice to include a description of each of the seven (7) requested areas. Each description should include a north, south, east, west boundary.

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