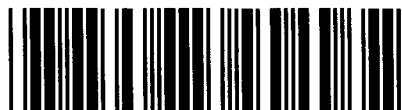




Control Number: 46749



Item Number: 6

Addendum StartPage: 0

APPLICATION OF CITY OF ROUND §
 ROCK TO AMEND A SEWER §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY AND DECERTIFY §
 PORTIONS OF WINDERMERE §
 UTILITY COMPANY'S §
 CERTIFICATE IN WILLIAMSON §
 COUNTY

PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
 OF TEXAS
 FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1, RECOMMENDATION ON
 ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness in response to Order No. 1 and would show the following:

I. BACKGROUND

On January 1, 2017, City of Round Rock (Round Rock) filed an application to amend its water certificate of convenience and necessity (CCN) No. 20421 and decertify a portion of Windermere Utility Company's (Windermere) CCN No. 20542 in Williamson County. The amendment included property that Windermere agreed to release to Round Rock and property that Round Rock agreed to release to Windermere. On January 31, 2017, Round Rock and Windermere filed a joint request that the application be reviewed under Texas Water Code § 13.248 (TWC).

On January 17, 2017, the Administrative Law Judge issued Order No. 1, requiring Staff to file a recommendation on administrative completeness and propose a procedural schedule by February 13, 2017. Therefore, this pleading is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Elisabeth English of the Water Utilities Division, Staff recommends that the application be found administratively incomplete. Round Rock and Windermere request the inclusion of previously uncertificated areas into their existing CCNs. Applications under TWC § 13.248 and 16 Tex. Admin. Code § 24.117 (TAC) may only

24.117 (TAC) may only include currently certificated area.¹ Staff recommends that the City and Windermere clarify the requested areas. Staff also recommends that Round Rock and Windermere clarify whether they seek to swap currently certificated territory under TWC § 13.248 or file CCN amendments to incorporate new territory. Additionally, the mapping information is deficient. Staff recommends that Round Rock and Windermere file a revised general location map, a revised detailed map, and revised digital mapping data.

For these reasons, Staff further recommends that applicant's Application be found administratively incomplete and that applicants be ordered to correct the deficiencies in their application by March 15, 2017. Staff recommends that it be given until April 14, 2017 to file additional comments on the administrative completeness of the application and propose a supplemental procedural schedule.

III. PROPOSED 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.

IV. CONCLUSION

For the reasons stated above, Staff respectfully requests an order consistent with the above recommendation.

¹ 16 TAC § 24.117(a).

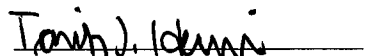
Dated: February 13, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

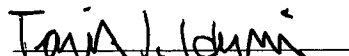
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DOCKET NO. 46749

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 13, 2017 in accordance with 16 TAC § 22.74.


TJ Harris

PUC Interoffice Memorandum

To: TJ Harris, Attorney
Legal Division

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

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: February 9, 2017

Subject: **Docket No. 46749:** *Application of Round Rock to amend a Sewer Certificate of Convenience and Necessity and Decertify portions of Windermere Utility Company's Certificate in Williamson County*

On January 11, 2017, the City of Round Rock ("City") filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) 20421 and to decertify a portion of Windermere Utility Company Inc.'s ("Windermere") CCN No. 20542 in Williamson County, pursuant to Texas Water Code §§13.242-.250 (TWC) and 16 Tex. Admin Code §§24.101-.120 (TAC).

Staff has reviewed the application and recommends that the application be found administratively incomplete and insufficient for filing. Staff recommends the Applicant be ordered to provide the items listed below in order to proceed with the application process.

Application Content

On January 31st, the City filed a letter amending the application to be a "CCN Swap" rather than an amendment, pursuant to TWC §13.248 and TAC §24.117. The mapping data in the application requests an amendment in which the City and Windermere amend their existing sewer CCNs by swapping portions of certificated service areas between each other. However, the mapping data also shows a request for new uncertificated service areas being incorporated into their existing sewer CCNs. An application requested via TWC §13.248 and TAC §24.117 can only include existing certificated area.

- The City should provide clarification on the requested areas, for both the City and Windermere, and whether or not the application should be reviewed as a CCN amendment or a "CCN Swap" (TWC §13.248).
- In the event the City intends to pursue the CCN amendment application to incorporate uncertificated in addition to the "CCN Swap", only the City's CCN can be amended to include uncertificated area. A separate application must be filed to amend Windermere's CCN to incorporate uncertificated area.

Mapping Content:

The City should file the following items to resolve the mapping deficiencies:

- Revised general location map as agreed upon by the City and Windermere, identifying the requested areas to be decertified and/or added to the City's CCN No. 20421, and to

Windermere's CCN No. 20542 in reference to the nearest county boundary, city, or town. The map should not show portions of existing CCNs that are not being amended by this docket.

- Revised detailed map as agreed upon by the City and Windermere, identifying the requested areas to be decertified and/or added to the City's CCN No. 20421 and to Windermere's CCN No. 20542 in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. Separate maps for each CCN (20421 and 20542) should be filed showing how each certificated service area will be amended. The maps should not show portions of existing CCNs that are not being amended by this docket.
- Revised digital mapping data as agreed upon by the City and Windermere, of the requested areas to be decertified from and/or added to the City's CCN No. 20421 and to Windermere's CCN No. 20542. The digital data for each requested area should be a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet). Each CCN's requested area should be clearly labeled with the CCN holder's name, CCN number, and state the amendment to occur (for example: decertify from CCN number and/or add to CCN number).

Before filing amended maps and digital data for this application, Staff recommends the Applicant obtain further mapping guidance from Tracy Montes by email at tracy.montes@puc.texas.gov, in order to resolve the mapping deficiencies.