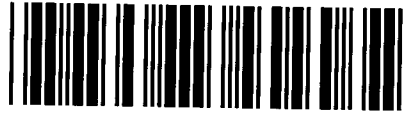


Control Number: 46808



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 46808

APPLICATION OF THE CITY OF §
FORT WORTH TO AMEND A §
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
IN TARRANT COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED

2017 FEB 24 AM 10:45
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND REQUEST TO RESTYLE DOCKET**

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

I. BACKGROUND

On January 27, 2017, the City of Fort Worth filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 in Tarrant County, Texas. Specifically, Fort Worth seeks to add an area of approximately 84 acres that contains no current customers to its CCN.

On January 31, 2017, Order No. 1 was issued, establishing a deadline of February 24, 2017 for Staff to file a proposed procedural schedule and comments regarding the administrative completeness of the application and proposed notice. This pleading is therefore timely filed.

II. STYLE

In the course of reviewing the application, Staff noted that the response to question 2 D of the application indicates that area has already been decertified through another Commission proceeding, but the response does not provide a docket number for that proceeding.¹ In addition, the application includes maps and documents relating to decertification of a portion of Johnson County Special Utility District's (JCSUD) CCN so the area can be transferred to Fort Worth's CCN.² Based on these documents, it appears that Fort Worth is also requesting that area be decertified from JCSUD's CCN and added to Fort Worth's CCN as part of this application. Staff

¹ Application at 5 (Jan. 27, 2017).

² See, e.g. Application at 8-10, 14-15, 24, and 27-28.

therefore recommends that this docket be restyled to reflect the requested decertification. Staff has spoken with Fort Worth, and Fort Worth confirmed that it is requesting decertification of a portion of JCSUD's CCN area in this application. Fort Worth also authorized Staff to represent that Fort Worth is not opposed to the docket being restyled.

III. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Ricky Herrera in the Commission's Water Utility Regulation Division, recommends that the application be found administratively incomplete. Specifically, the maps and digital mapping data included with the application do not provide enough information to allow Staff to accurately locate the area Fort Worth seeks to add to its water CCN. In addition, the oath included with the application is not fully executed, and the application does not include a signed and dated copy of the most recent water purchase agreement from the Tarrant Regional Water District. Staff therefore recommends that the application be found administratively incomplete and that Fort Worth be directed to provide revised maps and digital mapping data, a fully executed oath, and a signed and dated copy of the most recent water purchase agreement from the Tarrant Regional Water District. Staff recommends that a deadline of March 27, 2017 be established for Fort Worth to cure the deficiencies with the application and that a deadline of April 26, 2017 be established for Staff to file a supplemental recommendation on administrative completeness.

IV. CONCLUSION

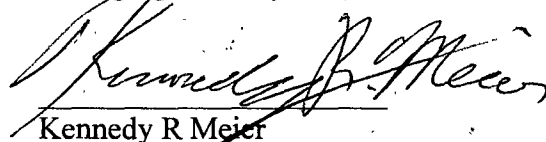
For the reasons stated above, Staff recommends that this docket be restyled to reflect the requested decertification of a portion of JCSUD's CCN. Staff also recommends that the application be found administratively incomplete, that Fort Worth be directed to cure the deficiencies by providing the information requested above and in the attached memorandum, and that the deadlines proposed above be adopted for further processing of this docket.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

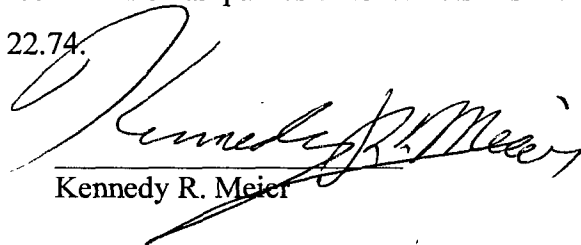


Kennedy R Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 46808

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 24th of February, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier
Legal Division

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

From: Ricky Herrera, Staff Engineer
Water Utilities Division

Date: February 22, 2017

Subject: **Docket 46808**; *Application of the City of Fort Worth to Amend a Water Certificate of Convenience and Necessity in Tarrant County*

On January 27, 2017, the City of Fort Worth (Ft. Worth or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 in Tarrant County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 - 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 - 24.107.

Staff reviewed the application and mapping information filed on January 27, 2017, and found that it is deficient in the required information. Staff is unable to determine the accurate location of the requested area, which Ft. Worth is seeking to add to its water CCN No. 12311. Therefore, Staff recommends that the application be found administratively incomplete. Further, Staff recommends the Applicant provide the following:

- 1) A revised general location map identifying the requested area in reference to the nearest county boundary, city, or town.
- 2) A revised detailed map identifying the requested area in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- 3) Digital mapping data for the requested area, as 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).
- 4) A fully executed Oath by the Applicant's Authorized Representative. The Oath should include the signature of a notary public in or for the State of Texas.
- 5) A signed and dated copy of the most recent water purchase agreement from the Tarrant Regional Water District.