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DOCKET NO. 47229

APPLICATION OF CITY OF AUSTIN	§	PUBLIC UTILITY COMMISSION: 12
TO AMEND A WATER	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY AND TO	§	
DECERTIFY SUNFIELD MUNICIPAL	§	
UTILITY DISTRICT NO. 4 IN HAYS	§	
COUNTY	§	

**COMMISSION STAFF'S FOURTH SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Fourth Supplemental Recommendation on Administrative Completeness. In support thereof, Staff shows the following:

I. BACKGROUND

On May 31, 2017, the City of Austin filed an application to amend its water certificate of convenience and necessity (CCN) No. 11322 and Sunfield MUD No. 4's CCN No. 13116 in Hays County. Sunfield MUD No. 4 is in a portion of CCN No. 13116 and seeks to be decertified and transferred to the City of Austin's CCN No. 11322. The total area being requested includes approximately 655 acres and includes 0 current customers.

On December 14, 2017, the Administrative Law Judge issued Order No. 5, which required Staff to file a supplemental recommendation on administrative completeness by February 15, 2018. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and recommends that the application be found deficient, as supported by the attached memorandum of Debbie Reyes Tamayo of the Water Utility Regulation Division. Staff recommends that the City of Austin be ordered to correct and supplement its mapping content as described in the attached memorandum. This additional information is required before a recommendation on the proposed notice can be made.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for the City of Austin to amend its application to cure deficiencies	March 15, 2018
Deadline for Staff to file a supplemental recommendation on the amended application	April 15, 2018

As noted above, the application was filed roughly nine months ago and the City of Austin has failed multiple times to provide materials sufficient for the Commission to find the application administratively complete. Under the Commission's recently amended procedural rules, pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(7), grounds for dismissal include "failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient." Staff reserves its right to move for dismissal pursuant to 16 TAC § 22.181(d)(7) if the application remains insufficient by April 15, 2018.

IV. CONCLUSION

Staff respectfully requests the entry of an order finding the application deficient, and requests that the proposed procedural schedule be adopted.

DATED: February 14, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 14th of February, 2018, in accordance with. 16 TAC § 22.74.



Joshua Barron

PUC Interoffice Memorandum

To: Joshua Barron, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Debbie Reyes Tamayo, Program Specialist
Water Utility Regulation Division

Date: February 12, 2018

Re: **Docket No. 47229:** *Application of City of Austin to Amend a Water Certificate of Convenience and Necessity and to Decertify Sunfield MUD No. 4 in Hays County*

On May 31, 2017, the City of Austin (City) filed with the Public Utility Commission of Texas (Commission) an application to amend their water Certificate of Convenience and Necessity (CCN) No. 11322 and to decertify a portion of Sunfield MUD 4's CCN No. 13116, in Hays County, Texas. This application is being reviewed pursuant to the criteria in the Texas Water Code §§ 13.242 to 13.250 (TWC) and 16 Tex. Admin. Code (TAC) §§ 24.101 to 24.107.

On December 14, 2017, the Administrative Law Judge issued Order No. 5, which required the City to file a supplemental information concerning deficiencies detailed below due to the Commission by January 15, 2018. As of today's date the City has not responded. Staff recommends that the application be deemed insufficient for filing and found administratively incomplete due to the deficiencies detailed below:

Mapping

The district boundaries for Sunfield MUD 2 shown in the revised digital data do not match the PUC's certificated service area for Sunfield Mud 4, CCN No. 11316. Therefore, there are remaining certificated areas that should be included in the requested area to be transferred to the City. Also, there is a discrepancy between the total acreage stated on the agreement document (page 2) which states 575.7 total acres, and the revised digital data, which includes approximately 583 total acres.

The Applicant must file the following items to resolve the mapping deficiencies:

- Revised digital mapping data for the requested area to be transferred, 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).
- State the approximate total acres for the requested area to be transferred. This information is needed for the notice documents, which should reflect the same total acreage as stated in the agreement document.

Application Content

The following item must be provided for a determination of administrative completeness:

- Pursuant to 16 TAC § 24.105(a)(13), the City must provide an executed agreement with Sunfield MUD 4 transferring a portion of their certificated service area to the City.