

Control Number: 47229



Item Number: 25

Addendum StartPage: 0

RECEIVED

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

PUBLIC UTILITY COMMISSION
2018 MAR 22 AM 10:13
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

COMMISSION STAFF’S FIFTH SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 6, Commission Staff’s Fifth Supplemental Recommendation on Administrative Completeness. Staff recommends that the application be found administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On May 31, 2017, the City of Austin (Applicant) 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 575 acres and includes 0 current customers.

On February 22, 2018, the Administrative Law Judge (ALJ) issued Order No. 6, which required Staff to file a supplemental recommendation on administrative completeness by March 15, 2018. On March 13, 2018, the ALJ granted the Applicant’s Request for Extension and extended Staff’s deadline to file a supplemental recommendation on administrative completeness to March 23, 2018. Therefore, this pleading is timely filed.

II. APPLICATION SUFFICIENCY RECOMMENDATION

Staff has reviewed the Application filed on May 31, 2017, and the Applicant’s supplemental filings filed on September 20, 2017, September 22, 2017, November 11, 2017, February 15, 2018, March 9, 2018, and March 15, 2018, as supported by the attached memorandum of Debbie Reyes

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Tamayo of the Water Utility Regulation Division, Staff finds the application sufficient and recommends that the application be found administratively complete.

III. ISSUANCE OF NOTICE

Staff recommends that the Applicant be ordered to provide notice to: (1) any districts, utilities, and cities within two miles of the proposed area; (2) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified; (3) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and (4) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified.

The Applicant should also issue notice to the entities listed in the attached Staff memorandum. Proposed notice is provided herein for the Applicant's use as Attachment A. After sending such notice, the Applicant should file a copy of the actual notice sent, including a copy of the map, a list of the entities to whom notice was sent, and a signed affidavit affirming that the notices were sent. A blank affidavit for such purposes is attached to this pleading as Attachment B.

The Applicant shall also publish the notice in a newspaper with general circulation in Hays and Travis counties. The notice must be published once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation. A blank affidavit for such purposes is attached to this pleading as Attachment C.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation.	May 7, 2018

Deadline for Staff to file a recommendation on sufficiency of notice.	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene.	30 days after notice is issued

V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be found administratively complete, that the above proposed procedural schedule be adopted, and that the Applicant be ordered to issue notice and file proof thereof.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

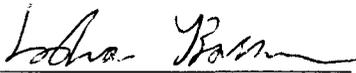
Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney


Joshua Adam Barron
State Bar No. 24087146
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
Joshua.Barron@puc.texas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 22, 2018 in accordance with 16 TAC § 22.74.


Joshua Adam 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: March 20, 2018

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

On May 31, 2017, the City of Austin (City or Applicant) 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 and Travis Counties pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the additional information filed by the Applicant on March 9, 2018, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide correct notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the requested service area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the requested area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the requested area; and
 - d) affected customers, and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hays and Travis Counties.

- 2) Provide correct notice of the application to the following:
 - Aqua Texas Inc. (CCN No. 11157)
 - City of Buda (CCN No. 11953)
 - Creedmoor Maha WSC (CCN No. 11029)
 - Goforth SUD (CCN No. 11356)
 - Lower Colorado River Authority (CCN No. 11670)
 - Mystic Oak Water Supply Inc. (CCN No. 12409)
 - Sunfield MUD 4 (CCN No. 13116)
 - Barton Springs-Edwards Aquifer Conservation District
 - Cascades MUD 1
 - Guadalupe-Blanco River Authority
 - South Buda WCID 1
 - Sunfield MUD 1

- Sunfield MUD 2
 - Sunfield MUD 3
 - Travis-Creedmoor MUD
 - City of Buda
 - City of Creedmoor
 - Hays County Judge
 - Travis County Judge
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Within 30 days of the date of the notice, file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Exhibit A

Notice to Neighboring Systems, Customers and Cities

NOTICE OF APPLICATION OF THE CITY OF AUSTIN TO AMEND A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AND DECERTIFY PORTION OF SUNFIELD MUD NO. 4's CCN NO. 13116 IN HAYS AND TRAVIS COUNTIES, TEXAS

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2018

The City of Austin filed an application with the Public Utility Commission of Texas to decertify a portion of Sunfield MUD No. 4's CCN No. 13116 and amend to the City of Austin's water CCN No. 11322 in Hays and Travis Counties, Texas.

The requested area is located approximately 2.5 miles east of downtown Buda, TX, and is generally bounded on the north by Turnersville Road; on the east by S. Turnersville Road; on the south by Satterwhite Road; and on the west by CR 118.

See enclosed map of the requested area.

The requested area includes approximately 575 total acres and 0 current customers

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Si desea informacion en Espanol, puede llamar al 1-512-936-7469

Exhibit B

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. **47229**

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

Exhibit C

Notice for Publication

NOTICE OF APPLICATION OF THE CITY OF AUSTIN TO AMEND A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AND DECERTIFY PORTION OF SUNFIELD MUD NO. 4's CCN NO. 13116 IN HAYS AND TRAVIS COUNTIES, TEXAS

The City of Austin filed an application with the Public Utility Commission of Texas to decertify a portion of Sunfield MUD No. 4's CCN No. 13116 and amend to the City of Austin's water CCN No. 11322 in Hays and Travis Counties, Texas.

The requested area is located approximately 2.5 miles east of downtown Buda, TX, and is generally bounded on the north by Turnersville Road; on the east by S. Turnersville Road; on the south by Satterwhite Road; and on the west by CR 118.

A copy of the requested service area map may be viewed at: 625 East 10th Street, Austin, TX 78701, 512-972-0211

The requested area includes approximately 575 total acres and 0 current customers

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

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Public Utility Commission of Texas
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1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Si desea informacion en Espanol, puede llamar al 1-512-936-7469

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 47229

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 2017
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____