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DOCKET NO. 47543

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**APPLICATION OF GREEN VALLEY
SPECIAL UTILITY DISTRICT AND
CITY OF CIBOLO FOR APPROVAL OF
A SERVICE AREA CONTRACT UNDER
TEXAS WATER CODE § 13.248 AND TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
GUADALUPE COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Administrative Completeness.

I. BACKGROUND

On August 24, 2017, City of Cibolo and Green Valley Special Utility District (collectively, Applicants) filed an application pursuant to Texas Water Code § 13.248 (West 2008) (TWC) for approval of an agreement that would amend certificates of convenience and necessity (CCN) in Guadalupe County.¹ On October 13, 2017, Applicants filed supplemental information regarding the application.

On October 10, 2017, Order No. 3 was entered, requiring Staff to provide a recommendation regarding the application, notice, and procedural schedule by October 27, 2017. This pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Consistent with the attached memorandum of Fred Bednarski, Water Utilities Division, Staff recommends that the application, as amended, be deemed to be administratively complete for the purposes of further review on the merits.

¹ Application (Aug. 24, 2017).

In addition, Staff recommends that no notice beyond publication in the *Texas Register* is required. The Commission's rules require the provision of notice if there are customers in the affected area.² The contract included with the application is signed by both of the landowners in the affected area, meaning that all landowners in the area are already aware of the proposed transaction.³ Further, the contract indicates that neither of the contracting retail public utilities possesses property in the affected area, meaning that there are no customers receiving service in the affected area.⁴ Thus, no direct notice to customers is necessary.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the below procedural schedule. Staff provided a courtesy copy of the below proposal to counsel for Applicants prior to filing.

Event	Date
Petition filed	August 24, 2017
Intervention deadline; deadline for Intervenor to request a hearing	November 27 2017
Deadline for Staff to provide draft maps, certificates, and tariffs to applicant	December 11, 2017
Deadline for applicant to file signed consent forms with the Commission	December 18, 2017
Deadline for Staff to request a hearing; if no hearing is requested, deadline for Staff to file a final recommendation on the Application	January 5, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	January 19, 2017

IV. CONCLUSION

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

² 16 Tex. Admin. Code § 24.107(c)(1) (TAC).

³ Application, Water Code §13.248 Agreement at 3 (Aug. 24, 2017).

⁴ *Id.*, Water Code §13.248 Agreement at 1, 5–6.

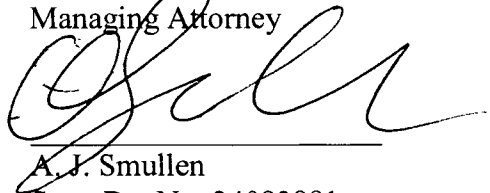
Date: October 27, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

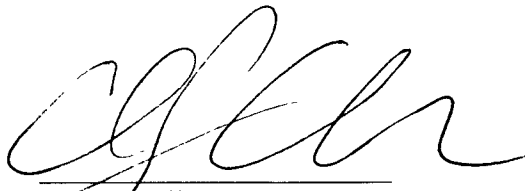
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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 27, 2017 in accordance with 16 TAC § 22.74.



A. J. Smullen

PUC Interoffice Memorandum

To: AJ Smullen, Attorney
Legal Division

Through: Lisa Fuentes, Manager
Water Utilities Division

From: Fred Bednarski, Financial Examiner
Water Utilities Division

Date: October 27, 2017

Subject: **Docket No. 47543** *Application of Green Valley Special Utility District and City of Cibolo for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Guadalupe County*

On August 24, 2017, the City of Cibolo (Cibolo) and Green Valley Special Utility District (GVSUD), (Collectively, Applicants) filed an application, pursuant to Tex. Water Code § 13.248 and 16 Texas Administrative Code (TAC) § 24.117, for approval of an agreement that would amend their water Certificates of Convenience and Necessity (CCN) in Guadalupe County. Cibolo holds water CCN No. 11903 and GVSUD holds water CCN No. 10646. Approval of the application would allow Cibolo to provide retail water service to area decertified from the GVSUD. The requested area includes approximately 116 acres. Further, there are no affected customers receiving utility service in the affected area that are required to receive notice pursuant to 16 TAC § 24.117(c)(1), as indicated by the purchase contract, which states that neither Cibolo nor GVSUD possess property within the affected areas and that the two landowners within the affected area have already signed the contract,.

On October 13, 2017, the Applicant filed supplemental information. A Staff review of the information filed by the Applicants found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and administratively complete.