

Control Number: 47730



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 47730

APPLICATION OF GUADALUPE§BLANCO RIVER AUTHORITY TO§AMEND A SEWER CERTIFICATE OF§CONVENIENCE AND NECESSITY IN§GUADALUPE COUNTY§

2017 NOT 27 AT 10: 49 PUBLIC UTILITY COMMISSION FOLLONT LITY STATES OF TEXAS

يين ميدي الم يا ميدي . راي المان الم المان المان . 2 ويسب القام والدار .

COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On October 25, 2017, Guadalupe-Blanco River Authority (GBRA) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20892 in Guadalupe County. The service area being requested includes an area totaling approximately 7,423 acres, with no current customers.

On October 27, 2017, Order No. 2 was issued, establishing a deadline of November 27, 2017, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jonathan Ramirez in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by GBRA, and recommends that it be found administratively complete.

III. NOTICE

At this time, Staff recommends that GBRA proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Mr. Ramirez. Along with each individual notice, Staff recommends that

GBRA provide an accurate map delineating the requested service area. Staff also recommends that GBRA publish notice once each week for two consecutive weeks in a newspaper of general circulation in Guadalupe County.

Within 30 days of the provision of notice, Staff recommends that GBRA file proof of notice and proof of newspaper publication as described in the attached memorandum. Finally, it is recommended that GBRA use the attached affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for GBRA 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	December 29, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of GBRA filing proof of completed notice with the Commission
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively complete, that GBRA be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted. Dated: November 27, 2017

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton Division Director

Karen S. Hubbard Managing Attorney

Elicina D'Ambresse

Eleanor D'Ambrosio State Bar No. 24097559 1701 N. Congress Avenue P.O. Box 13326 Austin, Texas 78711-3326 (512) 936-7295 (512) 936-7268 (facsimile) Eleanor.Dambrosio@puc.texas.gov

DOCKET NO. 47730 CERTIFICATE OF SERVICE

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

Eleanor D'Ambrosio

То:	Eleanor D' Ambrosio, Attorney Legal Division
Thru:	Lisa Fuentes, Manager Water Utilities Regulation Division
From:	Jonathan Ramirez, Financial Analyst Water Utilities Regulation Division
Date:	November 17, 2017
Subject:	Docket No. 47730 : Application of Guadalupe-Blanco River Authority to Amend a Sewer Certificate of Convenience and Necessity in Guadalupe County

On October 25, 2017, Guadalupe-Blanco River Authority (Applicant) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20892 in Guadalupe County pursuant to Texas Water Code Ann. (TWC), §§ 13.242 - 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101-.107. The service area being requested includes approximately 7,423 acres with zero (0) current customers.

A Staff review of the information filed by the Applicant 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. Staff further recommends the Applicant do the following:

- 1) Provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
 - d) 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 landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Guadalupe County.
- 2) Provide notice to the following:
 - City of Seguin, CCN No. 20270
 - City of New Braunfels, CCN No. 20282
 - Green Valley SUD, CCN No. 20973
 - Zipp Utility Co. LLC, CCN No. 21098
 - City of Santa Clara
 - Canyon Regional Water Authority
 - Comal County WID #3
 - Edwards Aquifer Authority
 - Guadalupe County Judge Kyle Kutscher

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities and other affected parties. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <u>http://www14.tceq.texas.gov/iwud/</u>.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice. In addition, file 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.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN GUADALUPE COUNTY, TEXAS

Guadalupe-Blanco River Authority has filed an application with the Public Utility Commission of Texas to amend is sewer CCN No. 20892 in Guadalupe County. The service area being requested includes an area totaling approximately 7,423 acres with zero (0) current customers.

The requested area that included 7,345 acres is located approximately <u>7</u> miles <u>southeast</u> of downtown <u>New</u> <u>Braunfels</u>, TX, and is generally bounded on the <u>north by Schwarzlose Rd</u>; on the <u>east by Swanson Rd</u>; on the <u>south by Cordova Rd</u>; and on the <u>west by Guadalupe River</u>.

The requested area that includes 78 acres is located approximately <u>3.5</u> miles south of downtown <u>New</u> <u>Braunfels</u>, TX, and is generally bounded on the <u>north by Long Creek</u>; on the <u>east by 0.3 mile east of W</u> <u>Klein Rd</u>; on the <u>south by W Klein Rd</u>; and on the <u>west by W Klein Rd</u>.

The total requested area includes approximately 7,423 total acres and 0 current customers.

A copy of the proposed service area map is available at: <u>933 E. Court St., Seguin, Texas 78155 (830) –</u> <u>379-5822</u>

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 public hearing is requested, the Commission will not issue the CCN and 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 final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

Notice to Neighboring Systems, Landowners and Cities NOTICE OF APPLICATION TO AMEND A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN GUADALUPE COUNTY, TEXAS

To:

Date Notice Mailed:____, 2017

(Neighboring System, Landowner or City)					
(Address)					
(City	State	 Zip)			

Guadalupe-Blanco River Authority has filed an application with the Public Utility Commission of Texas to amend is sewer CCN No. 20892 in Guadalupe County. The service area being requested includes an area totaling approximately 7,423 acres with zero (0) current customers.

The requested area that included 7,345 acres is located approximately <u>7</u> miles <u>southeast</u> of downtown <u>New</u> <u>Braunfels</u>, TX, and is generally bounded on the <u>north by Schwarzlose Rd</u>; on the <u>east by Swanson Rd</u>; on the <u>south by Cordova Rd</u>; and on the <u>west by Guadalupe River</u>.

The requested area that includes 78 acres is located approximately <u>3.5</u> miles south of downtown <u>New</u> <u>Braunfels</u>, TX, and is generally bounded on the <u>north by Long Creek</u>; on the <u>east by 0.3 mile east of W</u> <u>Klein Rd</u>; on the <u>south by W Klein Rd</u>; and on the <u>west by W Klein Rd</u>.

The total requested area includes approximately 7.423 total acres and 0 current customers.

See enclosed map of the proposed service area.

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 public hearing is requested, the Commission will not issue the CCN and 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, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas

Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. <u>47730</u>

STATE OF TEXAS COUNTY OF _____

	has provided individual notice to	
the following entities and landowners:	DATE	

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

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. <u>47730</u>

	NO. <u>47730</u>	
STATE OF TEXAS COUNTY OF		
Before me, the undersigned authority, on thi	s day personally appeared	
, who	being by me duly sworn,	deposes and that (s)he is the
of the		
(TITLE) of the	(NAME OF NEWSPAPER)	
that said newspaper is regularly published in	(COUNTY/COUNTIES)	
and generally circulated in(COUNTY/CO	OUNTIES)	_, Texas;
and that the attached notice was published in said no	ewspaper on the following	dates, to wit:
(Dz	ATES)	
(SIGNATURE OF NEWSPAPER REPRESENTAT	ΓΙVΕ)	
Subscribed and sworn to before me this	day of	, 20 to certify
	Notary Public in and fo	or the State of Texas
	Print or Type Name of	Notary Public

Commission Expires _____