

Control Number: 47795



Item Number: 27

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DOCKET NO. 47795

RECEIVED

APPLICATION OF THE CITY OF
HUTTO TO AMEND A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN WILLIAMSON
COUNTY

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PUBLIC UTILITY COMMISSION

2018 FEB 21 PM 1:47
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Notice. Staff recommends that Hutto provide notice as detailed below and in the attached memorandum. In support thereof, Staff shows the following:

I. BACKGROUND

On November 21, 2017, the City of Hutto (Hutto) filed an application to amend sewer certificate of convenience and necessity (CCN) No. 20122 in Williamson County. The total area being requested included approximately 15,648 acres and served zero current customers. On February 7, 2018, Hutto filed updated maps to modify its requested service area. The revised requested service area includes approximately 14,250 acres and serves zero current customers.

Order No. 3, issued on February 7, 2018, required Staff to file a recommendation on notice by February 21, 2018. Therefore, this pleading is timely filed.

II. NOTICE

Corrected notice of the application was published in the *Texas Register* on January 26, 2018 to clarify that Hutto seeks to modify a sewer CCN, not a water CCN.¹ As detailed in the attached memorandum from Gregory Charles in the Commission's Water Utility Regulation Division, Staff has prepared new notice for Hutto to use based on the updated maps filed on February 7, 2018. Staff recommends that Hutto publish correct notice once each week for two consecutive weeks in a newspaper of general circulation in Williamson County. Staff also recommends that Hutto provide correct notice of the application to the following:

¹ Acknowledgement of Receipt (Jan. 13, 2018); Corrected Notice of Application to Amend a Sewer Certificate of Convenience and Necessity, 43 Tex. Reg. 488, Docket No. 47795 (Jan. 26, 2018).

- cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
- the county judge of each county that is wholly or partially included in the requested area;
- each groundwater conservation district that is wholly or partially included in the requested area; and
- landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested 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 requested area is located; and
- affected customers.

Staff also recommends that Hutto also provide correct notice of the application to the following entities:

- Aqua Texas Inc (CCN No. 20867)
- Brazos River Authority
- City of Georgetown
- City of Pflugerville (CCN No. 20678)
- City of Round Rock (CCN No. 20421)
- City of Taylor (CCN No. 20121)
- City of Weir
- Jonah Water SUD (CCN No. 21053)
- Kelly Lane Utility Co Inc (CCN No. 20720)
- Kelly Lane WCID 1 of Travis Co
- Kelly Lane WCID 2 of Travis Co
- Lakeside MUD 3
- Lakeside WCID 1 (CCN No. 21092)
- Lakeside WCID 2A (CCN No. 21095)
- Lakeside WCID 2B (CCN No. 21093)
- Lakeside WCID 2C (CCN No. 21094)
- Lakeside WCID 2D (CCN No. 21100)
- Lower Colorado River Authority
- Paloma Lake MUD 1 (CCN No. 21022)
- Paloma Lake MUD 2 (CCN No. 21023)
- San Gabriel MUD 1
- Seven Oaks Ranch MUD
- Siena MUD 1
- Siena MUD 2
- South Fork Ranch MUD
- Travis County Judge
- Travis County MUD 15
- Upper Brushy Creek WCID
- Williamson County Judge

- Williamson County MUD 16
- Williamson County MUD 22
- Williamson County Water Sewer Irrigation and Drainage District 3
- Williamson County WCID 2
- Williamson County WCID 3
- Windermere Utility Co Inc (CCN No. 20542)

Hutto should provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and landowners. Information related to districts including addresses can be obtained by Hutto from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

Hutto should also file in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided by the April 6, 2018 deadline established by Order No. 3. In addition, Hutto should file the publisher's affidavit for proof of newspaper publication. It is recommended that Hutto use the attached notices and affidavits to meet these requirements.

III. CONCLUSION

For the reasons detailed above, Staff recommends that Hutto be directed to provide notice as detailed above and in the attached memorandum.

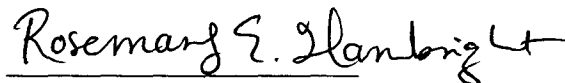
Dated: February 21, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

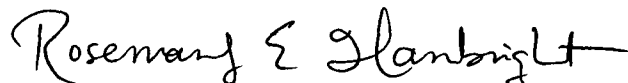


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(512) 936-7230
(512) 936-7268 (facsimile)
Rosemary.Hambright@puc.texas.gov

DOCKET NO. 47795

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 21, 2018, in accordance with 16 Texas Administrative Code § 22.74.



Rosemary E. Hambright

PUC Interoffice Memorandum

To: Rosemary Hambright
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Staff Engineer
Water Utility Regulation Division

Date: February 20, 2018

Subject: **Docket 47795**, *Application of the City of Hutto to Amend a Sewer Certificate of Convenience and Necessity in Williamson County*

On November 21, 2017, the City of Hutto (Applicant or City) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20122 in Williamson County, Texas, pursuant to Texas Water Code Ann. §§ 13.242-.250 (TWC) and the 16 Texas Administrative Code (TAC) §§ 24.101-.107.

On February 5, 2017, the Applicant filed a request for an extension of time and adoption of a revised procedural schedule. The motion stated the Applicant prematurely sent out notices that did not correspond with the notices prepared by Commission staff and that the Applicant's requested service had changed. On February 7, 2018, the Applicant filed mapping information for the revised requested area. Staff has reviewed the information and finds that it meets the required mapping criteria. Staff recommends the following:

- 1) Provide notice of the application to the following:
 - a. cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
 - b. the county judge of each county that is wholly or partially included in the requested area;
 - c. each groundwater conservation district that is wholly or partially included in the requested area; and
 - d. landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested 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 requested area is located; and
 - e. affected customers
 - f. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Williamson County.
- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc (CCN No. 20867)
 - Brazos River Authority
 - City of Georgetown
 - City of Pflugerville (CCN No. 20678)
 - City of Round Rock (CCN No. 20421)
 - City of Taylor (CCN No. 20121)
 - City of Weir
 - Jonah Water SUD (CCN No. 21053)

- Kelly Lane Utility Co Inc (CCN No. 20720)
- Kelly Lane WCID 1 of Travis Co
- Kelly Lane WCID 2 of Travis Co
- Lakeside MUD 3
- Lakeside WCID 1 (CCN No. 21092)
- Lakeside WCID 2A (CCN No. 21095)
- Lakeside WCID 2B (CCN No. 21093)
- Lakeside WCID 2C (CCN No. 21094)
- Lakeside WCID 2D (CCN No. 21100)
- Lower Colorado River Authority
- Paloma Lake MUD 1 (CCN No. 21022)
- Paloma Lake MUD 2 (CCN No. 21023)
- San Gabriel MUD 1
- Seven Oaks Ranch MUD
- Siena MUD 1
- Siena MUD 2
- South Fork Ranch MUD
- Travis County Judge
- Travis County MUD 15
- Upper Brushy Creek WCID
- Williamson County Judge
- Williamson County MUD 16
- Williamson County MUD 22
- Williamson County Water Sewer Irrigation and Drainage District 3
- Williamson County WCID 2
- Williamson County WCID 3
- Windermere Utility Co Inc (CCN No. 20542)

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and landowners. 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) File in the docket a copy of the map and notice along with an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided by the April 6, 2018 deadline established by Order No. 3. In addition, file the publisher's affidavit and tear sheets as proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

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

To: _____
(Name of neighboring systems, cities and landowners)

Date Notice Mailed: ____, 2018

(Address)

(City State Zip)

The City of Hutto filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20122 for the provision of sewer service in Williamson County.

The requested area is located approximately between 3 and 6.5 miles in all directions from downtown Hutto, Texas, and is generally bounded on the north by University Blvd/Chandler Rd and SH 29; on the east by CR 101 and FM 3349; on the south by US 79, FM 1660, and CR 138; and on the west by CR 100, Hutto Rd, and Dana Dr..

The total area being requested includes approximately 14,250 acres and serves 0 current customers.

See enclosed map showing the requested 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, 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 service area, you may request to be excluded from the proposed service 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.

If you have already filed an opt out request in this docket, you do not need to refile your request so long as it included everything required by 16 TAC § 24.102(h)(1): (A) the commission docket number and CCN number; (B) the total acreage of the tract of land subject to the landowner's opt out request; and (C) a metes and bounds survey for the tract of land subject to the landowner's opt out request, **that is**

sealed or embossed by either a licensed state land surveyor or registered professional land surveyor.

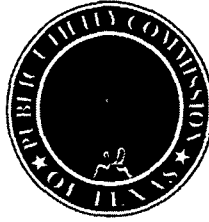
Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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 información en español, puede llamar al 1-512-936-7221 o 888-782-8477.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES

DOCKET NO. 47795

STATE OF TEXAS

COUNTY OF _____

has provided individual notice to the following:

DATE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is owner, member or 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 forth 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 _____, 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 _____

NOTICE FOR PUBLICATION
NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) FOR THE PROVISION OF SEWER SERVICE IN
WILLIAMSON COUNTY, TEXAS

The City of Hutto filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20122 for the provision sewer service in Williamson County.

The requested area is located approximately between 3 and 6.5 miles in all directions from downtown Hutto, Texas, and is generally bounded on the north by University Blvd/Chandler Rd and SH 29; on the east by CR 101 and FM 3349; on the south by US 79, FM 1660, and CR 138; and on the west by CR 100, Hutto Rd, and Dana Dr.

The total area being requested includes approximately 14,250 acres and serves 0 current customers.

A copy of the map showing the requested area is available at: 401 W. Front St., Hutto, TX 78634 (Tel. 512 759 4033).

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.

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

If you have already filed an opt out request in this docket, you do not need to refile your request so long as it included everything required by 16 TAC § 24.102(h)(1): (A) the commission docket number and CCN number; (B) the total acreage of the tract of land subject to the landowner's opt out request; and (C) a metes and bounds survey for the tract of land subject to the landowner's opt out request, **that is sealed or embossed by either a licensed state land surveyor or registered professional land surveyor.**

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

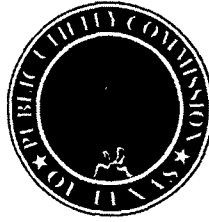
Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326

Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt-out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-512-936-7221 o 888-782-8477.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 47795

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 _____, 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 _____