



Control Number: 47795



Item Number: 5

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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

2017 DEC 20 AM 10:13
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. 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 amendment would allow Hutto to fulfill 12 development agreements in newly certified areas.¹

Order No. 1, issued on November 27, 2017, required Staff to file a recommendation on administrative completeness by December 20, 2017. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Gregory Charles in the Commission’s Water Utility Regulation Division, Staff has reviewed the application filed by Hutto, and recommends that it be found administratively complete. Staff’s recommendation that the application be found sufficient should not be interpreted as a recommendation that the application be approved or an indication that Staff will not seek additional material from Hutto during discovery in this proceeding. Staff’s recommendation merely indicates that it is Staff’s recommendation that the application is sufficient to initiate the Commission’s review of Hutto’s

¹ Application at 10, 214-236, 242-243. The developments are (1) a proposed Bridge Subdivision, (2) Tradesman Park business park, (3) Veteran’s Hill Elementary School, (4) Innovation Business Park, (5) several businesses currently on septic, (6) a new fuel station, (7) a sliver of land inadvertently left off CCN No. 20122, (8) RSI Development, (9) Packsaddle Development, (10) Hutto Independent School District property, (11) Singh commercial property subdivision, and (12) the “Megasite.”

application. Staff will file its recommendation concerning the merits of the application as required by the procedural schedule established for this proceeding.

III. NOTICE

Notice of the application was published in the *Texas Register* on December 8, 2017.² Staff recommends that Hutto provide notice of the application to the following:

- 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
- publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Williamson County.

Staff 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 MUD 5
- Lakeside MUD 6
- Lakeside WCID 1 (CCN No. 21092)
- Lakeside WCID 2A (CCN No. 21095)
- Lakeside WCID 2B (CCN No. 21093)

² Acknowledgement of Receipt (Dec. 5, 2017); Notice of Application to Amend a Water Certificate of Convenience and Necessity, 42 Tex. Reg. 6993, Docket No. 47795 (Dec. 8, 2017).

- Lakeside WCID 2C (CCN No. 21094)
- Lakeside WCID 2D (CCN No. 21100)
- Lower Colorado River Authority
- Meadows at Chandler Creek MUD
- 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 the Applicant 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 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.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Hutto 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	February 5, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	February 15, 2018
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

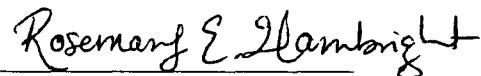
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

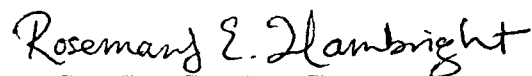


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(512) 936-7268 (facsimile)
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DOCKET NO. 47795

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 20, 2017, in accordance with 16 Tex. Admin. 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: December 18, 2017

Subject: **Docket 47795**, *Application of the City of Hutto to Amend its 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. (TWC) §§ 13.242 to 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also 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 MUD 5
 - Lakeside MUD 6
 - 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
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 - Paloma Lake MUD 1 (CCN No. 21022)
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 - Siena MUD 1
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 - 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 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 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 miles in all directions from downtown Hutto, TX, and is generally bounded on the north by University Blvd/Chandler Rd and SH 29; on the east by CR 101, FM 3349, and CR 129; on the south by the Williamson/Travis County line; and on the west by Red Bud Ln and CR 110.

The total area being requested includes approximately 15,798 acres and serves 0 current customers.

The requested area overlaps the boundaries of **South Fork Ranch MUD**. If **South Fork Ranch MUD** does not request a public hearing, the Commission shall determine that **South Fork Ranch MUD** is consenting to the City of Hutto’s request to provide retail sewer utility in the requested area.

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.

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 of sewer service in Williamson County.

The requested area is located approximately between 3 and 6 miles in all directions from downtown Hutto, TX, and is generally bounded on the north by University Blvd/Chandler Rd and SH 29; on the east by CR 101, FM 3349, and CR 129; on the south by the Williamson/Travis County line; and on the west by Red Bud Ln and CR 110.

The total area being requested includes approximately 15,798 acres and serves 0 current customers.

The requested area overlaps the boundaries of **South Fork Ranch MUD**. If **South Fork Ranch MUD** does not request a public hearing, the Commission shall determine that **South Fork Ranch MUD** is consenting to the City of Hutto's request to provide retail sewer utility in the requested area.

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.

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 _____