

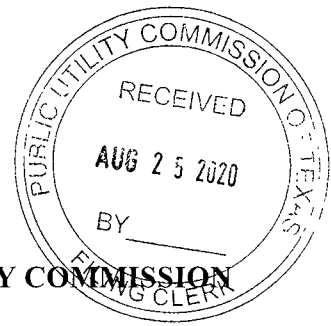


Control Number: 48350



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DOCKET NO. 48350

**APPLICATION OF THE CITY OF
DAYTON FOR CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
LIBERTY AND HARRIS COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION
ON SUFFICIENCY OF MAPPING REVISIONS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Sufficiency of Mapping Revisions. In support, Staff shows the following:

I. BACKGROUND

On May 8, 2018, the City of Dayton (Dayton) filed an application to obtain water and sewer certificates of convenience and necessity (CCN) in Liberty and Harris Counties, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.259.

On July 6, 2020, the administrative law judge (ALJ) issued Order No. 13, requiring Staff to file a recommendation on the sufficiency of Dayton's supplemental mapping information by August 27, 2020. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF MAPPING REVISIONS

As detailed in the attached memorandum of Alicia Maloy of the Commission's Infrastructure Division, Staff has reviewed the application, along with supplemental information filed on May 10, 2019, July 10, 2019, August 28, 2019, March 25, 2020, and July 27, 2020, and recommends that the mapping revisions be deemed deficient. Staff respectfully requests that Dayton be required to submit additional mapping content, as further detailed in the attached memorandum.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposed the following procedural schedule for further processing of this docket:

Event	Deadline
Deadline for Dayton to file with the Commission supplemental materials curing the deficiencies identified in the memorandum of Alicia Maloy	September 25, 2020
Deadline for Staff to file a recommendation on the sufficiency of Dayton's supplemental mapping materials and propose a procedural schedule	October 26, 2020

IV. CONCLUSION

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

Dated: August 25, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Merritt Lander
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 25, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

PUC Interoffice Memorandum

To: Merritt Lander, Attorney
Legal Division

From: Alicia Maloy, Senior Infrastructure Analyst
Infrastructure Division

Date: August 25, 2020

Subject: **Docket No. 48350**, *Application of the City of Dayton for Certificates of Convenience and Necessity in Liberty and Harris Counties*

On May 8, 2018, the City of Dayton (Dayton) filed with the Public Utility Commission of Texas (Commission) an application for a water and a sewer Certificate of Convenience and Necessity (CCN) in Liberty and Harris Counties, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The original requested area included approximately 80,045 acres and 1,080 connections. At this time, Dayton's updated requested area includes 14,950 acres.

Staff has reviewed Dayton's supplemental information filed on May 10, 2019, July 10, 2019, August 28, 2019, March 25, 2020, and July 27, 2020 and recommends that the application be deemed deficient for the reasons detailed below:

Mapping & Need for Service Content:

On May 10, 2019, Dayton amended its application by filing revised maps and digital mapping data to remove Aqua Texas Inc.'s settlement tracts from its requested area. Since this date, Dayton has not provided adequate mapping documentation to clearly identify the location of each landowner opt-out request or provided an updated requested area that removes overlaps with existing CCNs.^a Therefore, Staff is unable to determine if each landowner opt-out request was accurately removed from Dayton's updated requested area.

In addition, Dayton has not provided adequate documentation to clearly show how discrepancies between the total acreage requested in each landowner's opt-out request and the actual total acreage for each landowner's tract of land shown in the property rolls and parcel data maintained by Liberty Central Appraisal District (LCAD) and removed from the updated requested area were resolved. Often, the total acreage amount requested in the landowner opt-out request does not closely match the LCAD parcel data.

Furthermore, Dayton has not provided adequate documentation detailing how the mapping discrepancies between the original landowner's opt-out requests were resolved in comparison to the responses Dayton received for the "nonconforming opt-out requests."

Finally, Staff is unable to determine if the entire requested area is located within Dayton's city limit boundaries. Therefore, Staff recommends that the application and mapping documentation continue to be found deficient.

^a Due to the large number of opt-out requests, Staff has been working with Dayton to facilitate the development of the updated mapping and accompanying digital data.

Staff recommends that Dayton file the following items to resolve the mapping deficiencies and support the need for service within its updated requested area:

1. An updated and corrected detailed map identifying the revised requested area after removing the tracts of land subject to each landowner's opt-out request in reference to verifiable man-made and natural landmarks such as roads, rivers, and railroads.
 - a) Each tract of land should be identified by the item numbers for the corresponding landowner's opt-out request found in the Agency Interchange System (AIS);
 - b) The requested area shown on this map should match the digital mapping data described below in item number 2; and
 - c) Each tract of land subject to each landowner's opt-out request should match the digital mapping data described below in item number 3.
2. Updated and corrected digital mapping data, which matches the requested area shown on the map described above in item number 1, for the requested area provided in a polygon shapefile (SHP) format and georeferenced in NAD 83 Texas Statewide Mapping System (Meters). The digital mapping data must remove the following from the requested area:
 - a) The settlement tracts that match the maps and digital mapping data filed and agreed upon with Aqua Texas, Inc.;
 - b) All tracts of land identified in each landowner's opt-out request filed with the Commission; and
 - c) The overlaps with all existing CCNs, including T & W Water Service (CCN No. 12892) and Woodland Hills Water LLC (CCN No. 12388).
3. Updated and corrected digital mapping data for each tract of land identified in each landowner's opt-out request filed with the Commission. Each tract of land identified in each landowner's opt-out request must be provided in the following format:
 - a) Polygon shapefile (SHP) format, that is georeferenced in NAD83 Texas Statewide Mapping System (Meters); and
 - b) An attribute table that includes the following field names:
 - a. PUC Item Number (Column A) associated with each landowner's opt-out request filed in AIS;
 - b. Landowner's name (Column B) as identified in each landowner's opt-out request filed in AIS;
 - c. Owner name (Column C) as identified in the Liberty County Appraisal District (CAD)'s parcel digital mapping data (CAD);
 - d. Property ID Number (Column D) for each individual parcel (tract of land) as found in Liberty CAD;
 - e. Acreage (Column E) as provided in Liberty CAD's parcel digital mapping data; and
 - f. Additional PUC Item Number(s) (Column F) associated with this Property ID.
4. Digital mapping data for Dayton's current corporate boundaries, provided in a polygon shapefile (SHP) format, georeferenced in NAD 83 Texas Statewide Mapping System (Meters). The digital mapping data provided must match Dayton's corporate boundaries as identified on the detailed map filed in response to Staff request for information (RFI) 1-1.
5. A spreadsheet in an Excel format. In the spreadsheet, for each Property ID, include the following columns associated with each Property ID. Include any supporting documentation needed to help clarify any differences between the total acreage requested

in each landowner opt-out request and the total acreage removed from the requested area based on LCAD data or other mapping source:

- a) PUC Item Number (Column A) – associated with each landowner’s opt-out request filed in AIS;
 - b) Landowner’s name (Column B) – as identified in each landowner’s opt-out request filed in AIS;
 - c) Owner name – (Column C) as identified in LCAD;
 - d) Property ID Number– (Column D) for each individual parcel (tract of land) as found in LCAD data;
 - e) Acres Requested & Source (Column E)–total acreage requested in each landowner’s opt-out request as filed in AIS; source of the acreage (LCAD, metes and bounds, or legal survey);
 - f) Acres for each parcel as found in LCAD data; and
 - g) Comment (Column F)–additional PUC Item Number associated with this Property ID.
6. A copy of the city ordinance stating the date on which “Gulf Inland” was annexed into the City of Dayton’s corporate boundaries.
 7. Supporting documentation for the need for service for the area labeled as “Gulf Inland” on the maps filed by Dayton on August 28, 2019 in response to Staff RFI 2-2 to Dayton, filed on August 1, 2019.
 8. Any engineering plans for facilities in the unserved areas within the requested area, which are subject to approval by the Texas Commission on Environmental Quality, that the City of Dayton has produced since the original filing of the CCN application.
 9. The number of current customer connections within the following portion of the updated and corrected requested area (as provided in Nos. 1 and 2):
 - a. The area within Dayton’s city limits;
 - b. The area within Dayton’s ETJ; and
 - c. The area outside Dayton’s city limits and ETJ.
 - d. The area within the updated and requested area.
 10. The total number of existing connections in the updated and corrected requested area and a detailed map showing the location of the current customer connections in the updated and corrected requested area.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).