

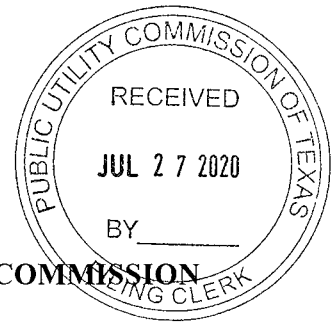


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DOCKET NO. 48714

APPLICATION OF THE CITY OF EDINBURG TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER TEXAS WATER CODE § 13.255 AND DECERTIFY A PORTION OF NORTH ALAMO WATER SUPPLY CORPORATION'S SERVICE AREA IN HIDALGO COUNTY §
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PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF'S NINTH RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS OF APPLICATION AND PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 15, files this Ninth Recommendation on Administrative Completeness of Application and Proposed Procedural Schedule. Staff recommends that the application, as supplemented, be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On September 27, 2018, the City of Edinburg (Edinburg) filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 12106 to incorporate areas it currently serves and decertify a portion of North Alamo Water Supply Corporation's (NAWSC) water service area in Hidalgo County. The requested service area consists of 258 acres. Supplemental information was filed on March 26, 2019, September 3, 2019, October 25, 2019, January 28, 2020, March 18, 2020, April 1, 2020, May 26, 2020, and July 13, 2020.

On May 27, 2020, Order No. 15 was issued establishing a deadline of July 27, 2020 for Staff to file a supplemental recommendation on sufficiency of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia, in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information and recommends that it be found administratively complete and accepted for filing. Staff

recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

III. NOTICE

Under 16 Texas Administrative Code (TAC) § 24.259(c), a municipality that intends to provide service to an annexed area is required to notify the current CCN holder of its intent to serve the annexed area. Edinburg has not filed documentation demonstrating that notice was sent to NAWSC. However, Edinburg and NAWSC have entered into an agreement as allowed by 16 TAC Code § 24.259(d). Therefore, Staff recommends a waiver of the notice requirement because NAWSC has agreed to the decertification of the portion of its CCN that is covered by the agreement.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Edinburg and NAWSC for review and consent	August 31, 2020
Deadline for Edinburg and NAWSC to file signed consent forms with the Commission	September 14, 2020
If no hearing is requested, deadline for Staff to file a final recommendation on the application	September 21, 2020
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	October 5, 2020

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that notice requirements be waived, and that the procedural schedule proposed above be adopted.

Dated: July 27, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D' Ambrosio
Managing Attorney

/s/ John Harrison
John Harrison
State Bar No. 24097806
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)
John.Harrison@puc.texas.gov

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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 July 27, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison
John Harrison.

PUC Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: July 27, 2020

Subject: **Docket No. 48714**, *Application of the City of Edinburg to Amend a Certificate of Convenience and Necessity Under Texas Water Code § 13.255 and Decertify a Portion of North Alamo Water Supply Corporation's Service Area in Hidalgo County*

On September 27, 2018, the City of Edinburg (Edinburg or City) filed an application to amend Certificates of Convenience and Necessity (CCN) in Hidalgo County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.255 and 16 Texas Administrative Code (TAC) § 24.259. Specifically, Edinburg seeks approval to decertify a portion of North Alamo Water Supply Corporation's (North Alamo) water CCN No. 10553 and amend Edinburg's CCN No. 12106. The City of Edinburg has historically, and is currently, providing service to the area.

The original application included mapping documentation showing a requested area including approximately 195 acres. The Applicant filed revised maps and digital data on October 25, 2019 that included a requested area of approximately 258 acres. On January 28, 2020, Edinburg filed the agreement signed by representatives of Edinburg and North Alamo. On April 1, 2020, Edinburg filed a letter clarifying the total acreage between both parties matching the revised total acreage (258 acres) of the requested area to the revised mapping documentation filed on October 25, 2019. On May 26, 2020 and July 13, 2020, Edinburg submitted documentation showing each of the requested areas was annexed into the city.

Staff review of the maps and digital data filed by Edinburg on October 25, 2019, the clarifying letter filed on April 1, 2020, and the annexation documents submitted on May 26, 2020 and July 13, 2020 completed the information needed to confirm sufficiency of the application. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff recommends that notice should be waived because both entities agree on the amendment and decertification.