



Control Number: 49262



Item Number: 7

Addendum StartPage: 0

**APPLICATION OF THE CITY OF
FLORESVILLE TO AMEND A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN WILSON
COUNTY**

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PUBLIC UTILITY COMMISSION

2019 MAY 29 AM 11:33
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS OF THE APPLICATION AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness of the application and Proposed Procedural Schedule. Staff recommends that the application be found sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 26, 2019, the City of Floresville (Floresville) filed an application to amend its sewer Certificate of Convenience and Necessity No. 20279, in Wilson County, Texas. The requested area includes approximately 4,201 acres and 171 connections.

On March 29, 2019, the Commission Administrative Law Judge (ALJ) issued Order No. 2, finding the application administratively incomplete and insufficient for further review, and requiring Floresville to file a supplement to cure the application of the deficiencies identified by Staff in the attached memorandum to its First Administrative Completeness Recommendation, by April 29, 2019. Floresville filed supplemental information on April 25th and May 10th of 2019.

Order No. 2 also directed Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for further processing of the application by May 29, 2019. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Spencer English in the Commission’s Water Utility Regulation Division, Staff has reviewed the application and supplemental

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information filed by Floresville and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Floresville proceed with providing public notice. Specifically, Staff recommends that Floresville be directed to use the attached *Notice for Publication* form to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Wilson County. Staff further recommends that Floresville be directed to use the attached *Notice to Landowners, Neighboring Systems, and Cities* form to complete the following actions:

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;
- 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; and
- e) affected customers and other affected parties in the requested area.

2) Provide correct notice of the application to the following:

- Evergreen UWCD
- San Antonio River Authority
- Wilson County FWSD 1 of Wilson County Texas
- Wilson County Judge

3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.

4) File in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the

publisher's affidavit for proof of newspaper publication. It is recommended that Floresville use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Floresville 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	July 15, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Floresville filing proof of completed notice with the Commission
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

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

Dated: May 29, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney




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DOCKET NO. 49262

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 29, 2019, in accordance with 16 TAC § 22.74.



Sarah D. McDaniel

PUC Interoffice Memorandum

To: Sarah McDaniel, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Spencer English, Financial Analyst
Water Utility Regulation Division

Date: May 29, 2019

Subject: **Docket 49262**, *Application of the City of Floresville to Amend a Sewer Certificate of Convenience and Necessity in Wilson County*

On February 26, 2019, the City of Floresville (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20279 in Wilson County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the additional information filed by the Applicant on April 25, 2019, and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the Applicants be ordered to do 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;
 - e) any affected customers, and other affected parties in the requested area; and
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Wilson County.

- 2) Provide correct notice of the application to the following:
 - Evergreen UWCD
 - San Antonio River Authority
 - Wilson County FWSD 1 of Wilson County Texas
 - Wilson County Judge

- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers. Information related to

districts including addresses can be obtained by the Applicant from the TCEQ's 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 and 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.

Please note, Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed Staff may send requests for information (RFI) to the Applicants. The Applicants will have 20 days from the receipt of the RFI to respond unless additional time is requested by the Applicants.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN WILSON COUNTY, TEXAS

City of Floresville has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20279 for the provision of retail sewer utility service in Wilson County.

The requested area is located approximately 2 miles north, south, east, and west of downtown Floresville, Texas, and is generally bounded on the north by CR 130 and CR 302; on the east by CR 402; on the south by Pajarito Creek; and on the west by San Antonio River. The total requested area includes approximately 4,189 acres and 171 current customers.

A copy of the map showing the requested area is available at: 1120 D Street, Floresville, Texas, 78114

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 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers and Cities
NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE SEWER UTILITY SERVICE IN WILSON COUNTY, TEXAS

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 2018

(Address)

(City State Zip)

City of Floresville has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20279 for the provision of retail sewer utility service in Wilson County.

The requested area is located approximately 2 miles north, south, east, and west of downtown Floresville, Texas, and is generally bounded on the north by CR 130 and CR 302; on the east by CR 402; on the south by Pajarito Creek; and on the west by San Antonio River. The total requested area includes approximately 4,189 acres and 171 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.

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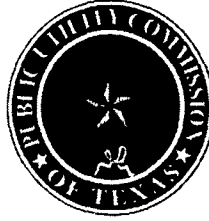
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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING
UTILITIES AND AFFECTED PARTIES
DOCKET NO. 49262

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities, landowners and customers:

DATE OF NOTICE

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. 49262

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 _____