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COMMISSIONER MEMORANDUM

MEETING DATE: February 26, 2021

DATE DELIVERED: February 25, 2021

AGENDA ITEM NO.: 2

CAPTION: Docket No. 49263 – Application of the City of Floresville to Amend a Water Certificate of Convenience and Necessity in Wilson County

DESCRIPTION: Commissioner D’Andrea memo

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Public Utility Commission of Texas

Commissioner Memorandum

TO: Chairman DeAnn T. Walker
Commissioner Shelly Botkin

FROM: Commissioner Arthur C. D'Andrea

DATE: February 25, 2021

RE: February 26, 2021 Open Meeting – Item No. 2
Docket No. 49263 – *Application of the City of Floresville to Amend a Water Certificate of Convenience and Necessity in Wilson County*

I recommend that the Commission make the following changes to the proposed order in this proceeding.

A new finding of fact should be added after finding of fact 11 to reflect the admission of evidence into the record.

X. On November 30, 2020, Floresville filed its second revised map exhibit in response to Order No. 15.

A new finding of fact should be added after finding of fact 21 to reflect the admission of evidence into the record.

X. In Order No. 21 filed on February 17, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the first map exhibit in response to Order No. 15, filed on November 12, 2020; (b) the second map exhibit in response to Order No. 15, filed on November 30, 2020; (c) the third map exhibit in response to Order No. 15, filed on December 11, 2020; and (d) Commission Staff's comments on the sufficiency of the revised mapping information, filed on December 29, 2020.

Finding of fact 35 should be deleted as unnecessary. That the system is “capable of meeting TCEQ’s criteria” would be a necessary finding for a sewer system under TWC § 13.241(c) and 16 TAC § 24.227(a)(2) but is unnecessary for a water system under TWC § 13.241(b) and 16 TAC § 24.227(a)(1).

~~35. Floresville has an existing public water system that is permitted by the TCEQ under identification number 2470001 and is capable of meeting TCEQ’s criteria for water systems.~~

Conclusion of law 1 should be modified to delete the reference to TWC § 13.041 because Floresville is not a water utility under the Texas Water Code.

1. The Commission has authority over this proceeding under TWC §§ ~~13.041~~, 13.241, 13.244, and 13.246.

Conclusion of law 4 should be modified for clarity and completeness.

4. The application meets the requirements set forth in TWC § 13.244(d) and 16 TAC § 24.227(c).

Finally, the Commission should delegate to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.