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DOCKET NO. 49277

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
FORT WORTH FOR A SEWER	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN TARRANT,	§	
DENTON, WISE AND PARKER	§	
COUNTIES	§	

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS OF THE AMENDED APPLICATION AND PROPOSED NOTICE

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 7 files this Commission Staff's Recommendation on Administrative Completeness of the Amended Application and Proposed Notice. Staff recommends that the application be deemed insufficient for further review and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On March 1, 2019, the City of Fort Worth (Fort Worth) filed an application for a sewer certificate of convenience and necessity in Tarrant, Denton, Wise, and Parker Counties (Application). The requested service area consisted of 261,819 acres and had 600,851 customers.

On April 2, 2019 and May 30, 2019, the Administrative Law Judge (ALJ) issued Orders No. 2 and No. 3, respectively, finding the application insufficient and establishing deadlines and opportunity to cure. On July 29, 2019, the ALJ issued Order No. 4, finding the application administratively complete, requiring notice and establishing a procedural schedule.

On October 16, 2019, Fort Worth filed supplemental information, which constituted a substantial amendment to their original application (Amended Application). The requested service area consists of 26,812 acres and has 0 customers.

On November 15, 2019, the Administrative Law Judge issued Order No. 8, setting a deadline of December 18, 2019, for Staff to file comments on the administrative completeness of the Amended Application, the sufficiency of the proposed notice, and to propose a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Nabaraj Pokharel in the Commission's Water Utility Regulation Division, Staff has reviewed the Amended Application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the application and the mapping information. Staff recommends that Fort Worth submit additional information, as further detailed in the attached memorandum.

III. COMMENTS ON PROCEDURAL SCHEDULE

Staff recommends that Fort Worth be ordered to cure the deficiencies identified in Mr. Pokharel's memorandum by January 18, 2020, and that Staff be given a deadline of February 18, 2020 to file a supplemental recommendation on the administrative completeness of the application.

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the Amended Application be found administratively incomplete at this time and that Fort Worth be ordered to file supplemental information addressing the identified deficiencies in the application by January 18, 2020.

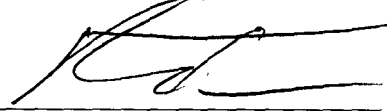
Dated: December 18, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 18, 2019, in accordance with 16 TAC § 22.74.



Rustin Tawater

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

From: Nabaraj Pokharel, Engineering Specialist
Infrastructure Division

Date: December 18, 2019

Subject: *Docket 49277: Application of the City of Fort Worth for a Sewer Certificate of Convenience and Necessity in Tarrant, Denton, Wise and Parker Counties*

On March 1, 2019, City of Fort Worth, (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer Certificate of Convenience and Necessity (CCN) in Tarrant, Denton, Wise and Parker Counties, Texas under Texas Water Code Ann. §§ 13.242 to 13.250 and the 16 Texas Administrative Code §§ 24.225 to 24.237.

On April 29, 2019, the Applicant filed additional information in response to Commission Order No. 2. The Applicant changed its request to now amend its CCN with the requested area and filed the revised application on October 16, 2019. Staff reviewed the revised application and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content

- A wastewater permit application has not been submitted to the Texas Commission on Environmental Quality (TCEQ). Applicant must provide proof that a wastewater permit was submitted to TCEQ before the application can be considered to be a sufficient.
- Provide a copy of any developer agreements or requests for service within the requested area. Attach copies of all requests for service in the requested area and show the locations on a map.
- Provide a capital improvement plan, including a budget, estimated timeline and the sources of funding for the construction of all facilities necessary to provide service to the requested area.

Mapping Content

The maps and digital data filed on October 16, 2019 are deficient. The requested area includes overlaps with the existing CCNs for Tarrant County MUD 1 (20025) and Abraxas Corporation (20759). The requested area should be revised by removing overlaps with existing CCNs. Furthermore, the requested area should be revised to follow the centerline of roads and use verifiable landmarks, such as property lines, to designate the outer boundary of the requested area. Due to the large size and number of polygons making up the requested area, Staff requests revised general location and detailed maps and digital data including a key map and data that references each polygon by number, letter or unique name. The general location and detailed maps should not have any labels covering the outer boundary of the requested area.

The Applicant must submit the following items to resolve the mapping deficiencies:

1. General location maps identifying each polygon of the requested areas in reference to the nearest county boundary, city, or town. This map should include a key map labeling each requested area. This map should correspond to the detailed maps (requested in #2) and notice descriptions (requested in #5) provided for each requested area.
2. Detailed maps identifying each polygon of the requested area in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. The detailed maps should correspond

- to the key map labeling of each requested area found on the general location maps.
3. Digital data for each polygon of the requested area, provided as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet). The number, letter or unique name labeling each polygon of the requested area should correspond to the key map provided on both the general location and detailed maps.
 4. State the approximate total acreage for the revised requested area.
 5. For Part G, Question 33 of the application, the Applicant must provide a notice description for the location of each polygon making up the entire requested area. The number, letter or unique name labeling each requested area should correspond to the key map and labels provided on both the general location and detailed maps.

Staff recommends the Applicant obtain additional mapping guidance from the Commission's mapping staff, Ms. Tracy Montes at (512)936-7187 or by email at tracy.montes@puc.texas.gov, to resolve these mapping deficiencies.