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DOCKET NO. 49277

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

COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS 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. 10, files this Commission Staff’s Recommendation on Administrative Completeness 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. On October 16, 2019, Fort Worth filed supplemental information, constituting a substantial amendment to its original application (Amended Application). The requested service area now consists of 26,812 acres and has 0 customers.

On January 22, 2020, the Administrative Law Judge issued Order No. 10, setting a deadline of March 20, 2020, for Staff to file supplemental 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 mapping information. Staff recommends that Fort Worth submit additional mapping 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 April 20, 2020, and that Staff be given a deadline of May 20, 2020, to file a supplemental recommendation on the administrative completeness of the Amended 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 a supplement addressing the identified deficiencies in the application by April 20, 2020.

Dated: March 19, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Rustin Tawater_____

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 19, 2020, in accordance with 16 TAC § 22.74.

/s/ Rustin Tawater _____
Rustin Tawater

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

From: Nabaraj Pokharel, Engineering Specialist
Infrastructure Division

Date: March 16, 2020

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 Tex. Water Code Ann. §§ 13.242 to 13.250 and the 16 Tex. Admin. Code (TAC) §§ 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 amend its CCN with the requested area and filed the revised application on October 16, 2019. Staff reviewed the revised application and the supplemental information filed on February 20, 2020 and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content

The mapping documentation filed on February 20, 2020 (Item 28) is deficient and does not meet the mapping requirements of 16 TAC § 24.257. The Applicant filed an amended application reducing the requested area from 241,173 total acres to approximately 26,800 total acres. Staff is unable to complete their mapping review until the Applicant files the required color copies of each general location and detailed maps showing the requested areas. Each map must be legible, printed in color, and must maintain the intended size and scale of the map. To maintain the scale of each map, the maps cannot be reduced or enlarged from the original map.

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

- Revised general location maps identifying only the requested area, in reference to the nearest county boundary, city, or town.
- Revised detailed maps identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

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.