



Control Number: 49277



Item Number: 46

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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**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

### **COMMISSION STAFF'S PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Proposed Procedural Schedule. 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 September 14, 2020, the Administrative Law Judge (ALJ) issued Order No. 15, finding notice sufficient and requiring Staff to submit a proposed procedural schedule for the further processing of this case by September 28, 2020. This pleading is therefore timely filed.

#### **II. MAPPING ISSUES**

On August 31, 2020, the City of Weatherford filed a motion to intervene in this proceeding asserting that a portion of the requested CCN expansion in Parker County extends into an area that Weatherford believes is within its extra-territorial jurisdiction.<sup>1</sup> On September 4, 2020, Robert and Betty Browder filed a letter in the docket requesting that three properties be excluded from the

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<sup>1</sup> Filing 49277 – City of Weatherford requests to intervene on City of Fort Worth's application to obtain a wastewater CCN, filed on August 31, 2020 (Interchange Item No. 39).

area Fort Worth proposes to include in its Amended Application.<sup>2</sup> As further detailed in the attached memorandum from Patricia Garcia, Senior Engineering Specialist of the Commission's Infrastructure Division, these issues necessitate revised mapping data from Fort Worth.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

| <b>Event</b>   | <b>Date</b>       |
|--|-------------------|
| Deadline for Fort Worth to file revised mapping  | October 12, 2020  |
| Deadline for Staff to file a recommendation on sufficiency of Fort Worth's revised mapping   | November 9, 2020  |
| Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable), to Fort Worth for review and consent | December 9, 2020  |
| Deadline for Staff to request a hearing  | December 16, 2020 |
| If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application                          | December 16, 2020 |
| If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law                      | January 13, 2021  |

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that procedural schedule proposed above be adopted.

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<sup>2</sup> Exclusion, filed on September 4, 2020 (Interchange Item No. 41).

Dated: September 28, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

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/s/ Rustin Tawater

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**DOCKET NO. 49277**

**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 September 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater

Rustin Tawater

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Rustin Tawater, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** September 28, 2020

**RE:** 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*

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

On May 19, 2020, the City filed an amendment to the application. The application was deemed sufficient on July 30, 2020 and the City was ordered to provide notice. On September 3, 2020, the City filed copies of the notice documents and the notice was deemed sufficient on September 14, 2020. On August 31, 2020, the City of Weatherford requested to intervene. Intervention was granted on September 14, 2020. On September 4, 2020, Robert and Betty Browder submitted a request for exclusion (opt-out request).

The City must provide the following revised mapping documentation to resolve any agreement reached with the City of Weatherford (Weatherford) based on their intervention filed on August 31, 2020 and to resolve the landowner's opt-out request received on September 4, 2020:

- a. A revised detailed map identifying the revised requested area after removing the tracts of land subject to the landowner's opt-out request and the Weatherford settlement area (if reached).
  - The map must also identify the outer boundary of each tract of land subject to the landowner's opt-out request and the Weatherford settlement area, in relation to the revised requested area.
  - The map must identify the tract of land, the Weatherford settlement area, and the requested area in reference to verifiable man-made and natural landmarks such as roads, rivers and railroads;
- b. Revised digital mapping data in a shapefile format georeferenced in either NAD 83 Texas State Plane Coordinate System (US Feet) or in NAD 83 Texas Statewide Mapping System (Meters) for the revised requested area, after removing each tract of land subject to the landowner's opt-out request and the Weatherford settlement area (if reached).
  - The digital mapping data must include a single, continuous polygon record for the revised requested area, the tract of land subject to the landowner's opt-out request, and the Weatherford settlement area; and
- c. The total acreage for the revised requested area after removing the tract of land subject to the landowner's opt-out request and the Weatherford settlement area (if reached). The total

acreage for the revised requested area must correspond to the total acreage included with the digital mapping data included above in part b.

Provide a copy of each map that the Applicant uses to respond to the items requested above in an Adobe PDF file format. Electronically file a copy of each map and digital mapping data to the Commission Interchange Filer and email to [CentralRecords@puc.texas.gov](mailto:CentralRecords@puc.texas.gov).