



Control Number: 49339



Item Number: 26

Addendum StartPage: 0

**DOCKET NO. 49339**

<b>APPLICATION OF GREEN VALLEY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SPECIAL UTILITY DISTRICT TO</b>	<b>§</b>	
<b>AMEND A SEWER CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>GUADALUPE COUNTY</b>	<b>§</b>	

**ORDER NO. 9**  
**REQUIRING BRIEFING ON WAIVER REQUEST AND OTHER ISSUES**

On March 14, 2019, Green Valley Special Utility District filed an application to amend its sewer certificate of convenience and necessity (CCN) number 20973 in Guadalupe County. The requested service area consists of approximately 159 acres and is being developed as an industrial park.

The undersigned administrative law judge (ALJ) was assigned to this matter on April 15, 2020.

It appears to the ALJ that Green Valley SUD plans to build a wastewater treatment plant and collection system dedicated to serving the 159-acre tract. Under 16 Texas Administrative Code (TAC) § 24.227(b), when applying for a CCN amendment that would require the construction of a physically separate sewer system, the applicant must demonstrate that regionalization or consolidation with another retail public utility is not economically feasible. It appears that Green Valley SUD is seeking a waiver of the requirements of 16 TAC § 24.227(b). The ALJ sees no indication that the waiver request has been ruled upon or that Commission Staff has made any recommendation on that point.

By May 6, 2020, Green Valley SUD must provide briefing explaining the basis for its waiver request. By May 27, 2020, Commission Staff must file briefing making a recommendation as to whether the waiver request should be granted.

In addition, the ALJ notes that, in its final recommendation filed on October 30, 2019, Commission Staff asserts that there are no other sewer providers in the area of the 159-acre tract, yet the map attached to the final recommendation appears to identify at least one other sewer provider, the City of Cibolo, in proximity to the tract. In its briefing due by May 27, 2020, Commission Staff must clarify or explain this apparent discrepancy.

**Signed at Austin, Texas the 22nd day of April 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
\_\_\_\_\_  
**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**