

Control Number: 49566



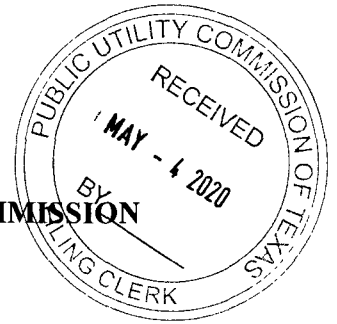
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DOCKET NO. 49566

**APPLICATION OF THE CITY OF §
ELMENDORF FOR A SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN BEXAR COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S FIFTH 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. 6 files this Commission Staff's Fifth Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff continues to recommend 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 May 23, 2019, the City of Elmendorf (Elmendorf) filed an application for a sewer certificate of convenience and necessity in Bexar County. The requested service area consists of 4,192 acres and currently has no customers. Elmendorf filed supplemental information on July 25, 2019, January 23, 2020 and March 25, 2020.

The Administrative Law Judge (ALJ) issued Order No. 6 on March 9, 2020, setting a deadline of April 2, 2020 for Elmendorf to cure the deficiencies in the application and a deadline of May 4, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and a proposed procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Elmendorf and continues to recommend that the application be found administratively incomplete. Staff recommends that Elmendorf be ordered to cure the deficiencies identified in the attached memorandum of Roshan Pokhrel in the Commission's Infrastructure Division and Fred Bednarski III in the Commission's Rate Regulation Division. Therefore, Staff recommends that a deadline of June 4, 2020 be established for Elmendorf to supplement its application. Staff further recommends

that a deadline of July 3, 2020 be established for Staff to review Elmendorf's supplemental information and make a supplemental recommendation on the administrative completeness of the application. Staff further notes that Elmendorf should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. REQUEST TO RESTYLE THE DOCKET

Staff requests that this docket be restyle as *Application of City of Elmendorf to Obtain a Sewer Certificate of Convenience and Necessity in Bexar and Wilson Counties*. In its supplemental filing made on March 25, 2020, Elmendorf revised its application to request certificated area in Wilson County in addition to Bexar County. Accordingly, Staff recommends restyling the docket to reflect this request.

V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Elmendorf be ordered to file a supplement addressing the identified deficiencies in the application by June 4, 2020.

Dated: May 4, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

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s/ Kourtnee Jinks
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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 May 4, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks

PUCT Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Fred Bednarski III, Financial Analyst
Rate Regulation Division

Date: May 4, 2020

Subject: **Docket No. 49566**, *Application of City of Elmendorf for a Sewer Certificate of Convenience and Necessity in Bexar County*

On May 23, 2019, the City of Elmendorf (Applicant or City) filed with the Public Utility Commission of Texas an application to obtain a sewer Certificate of Convenience and Necessity in Bexar County, under Texas Water Code (TWC) §§ 13.241 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested area includes approximately 4,192 acres and 0 customers. The residents of the City currently use onsite septic systems.

The Applicant recently updated the application by revising the requested area. The City is now requesting area in both Bexar and Wilson Counties. Consequently, Staff recommends that the style of the docket be changed to “*Application of City of Elmendorf to Obtain a Sewer Certificate of Convenience and Necessity in Bexar and Wilson Counties*”

Staff has reviewed the additional information provided by the Applicant on March 25, 2020 and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies in the application. In order to cure the deficiencies, Staff recommends that the Applicant be required to provide the following information:

1. A detailed listing of the cost to provide service to the entire area and a map of the requested area showing where the facilities and connections will be located to provide service. If the area is to be developed in stages, the cost of service should be projected by date and stage of development.
2. The source of funding for any new facilities that will be needed to provide service to the areas. Please include copies of the developer agreements and other funding source documentation as well as a capital improvement plan, including a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area.