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DOCKET NO. 49566

**APPLICATION OF THE CITY OF
ELMENDORF FOR A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN BEXAR AND
WILSON COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S SIXTH SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Sixth Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule, in response to Order No. 7. Staff recommends that the application be deemed sufficient for further review. 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 82 current connections. Elmendorf filed supplemental information on July 25, 2019, January 23, 2020, March 25, 2020, and May 20, 2020.

On May 5, 2020, the Administrative Law Judge (ALJ) issued Order No. 7, finding the application administratively deficient and incomplete, and requiring Elmendorf to file supplemental information to cure the deficiencies identified by Staff in its May 4, 2020 filing. Order No. 7 also directed Staff to file a supplemental recommendation on the completeness of the application and proposed procedural schedule by July 3, 2020.¹ Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by Elmendorf and recommends that it be found administratively complete and accepted for filing.

¹ The Commission is not open for business on July 3, 2020. Therefore, the deadline is Monday, July 6, 2020 under 16 TAC § 22.4(a).

III. NOTICE

At this time, Staff recommends that the Elmendorf proceed with providing notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Mr. Pokhrel. Along with each individual notice, Staff recommends that the Elmendorf provide an accurate map delineating the requested service area. Staff also recommends that Elmendorf publish notice once each week for two consecutive weeks in a newspaper of general circulation in Bexar and Wilson Counties. Within 30 days of the provision of notice, Staff recommends that Elmendorf file proof of notice as described in the attached memorandum and proof of newspaper publication. Finally, it is recommended that Elmendorf use the attached affidavits to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for the Elmendorf to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	August 18, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	September 1, 2020
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the application be found administratively complete, that Elmendorf be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: July 6, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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s/ Kourtnee Jinks
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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 July 6, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: July 6, 2020

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

On May 23, 2019, the City of Elmendorf (Applicant or City) filed an application to obtain a sewer Certificate of Convenience and Necessity in Bexar and Wilson Counties, under Texas Water Code (TWC) §§ 13.241 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested area includes approximately 4,192 acres and 82¹ current customers.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the additional information filed by the Applicant on May 20, 2020 and recommend that the application be deemed administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - Canyon Regional Water Authority
 - City of San Antonio
 - East Central SUD
 - Edwards Aquifer Authority
 - Evergreen UWCD
 - San Antonio River Authority
 - San Antonio Water System (CCN No. 20285)
 - Western Trails WSC (CCN No. 20731)
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - Bexar County Judge
 - Wilson County Judge
 - c. Each groundwater conservation district that is wholly or partially included in the requested area if any:
 - d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - e. Any affected customers, and other affected parties in the requested area.

¹ The customer count is current as of 6/24/2020.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in each county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI.