



Control Number: 49566



Item Number: 3

Addendum StartPage: 0

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

2019 MAY 29 10:16

FILED CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1 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 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 978 acres and currently has no customers.

On May 29, 2019, the Administrative Law Judge issued Order No. 1, setting a deadline of June 22, 2019, for Staff to file comments on the administrative completeness of the 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 Debbie Reyes in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the financial and technical information content. Staff recommends that Elmendorf submit additional financial and technical information content, as further detailed in the attached memorandum. Staff notes that Elmendorf should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

Staff recommends that Elmendorf be ordered to cure the deficiencies identified in Ms. Reyes' memorandum by August 5, 2019, and that Staff be given a deadline of September 4, 2019, to file a supplemental recommendation on the administrative completeness of the application.

IV. 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 August 5, 2019.

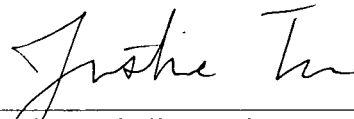
Dated: June 21, 2019

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



Justine Isabelle Caedo Tan
State Bar No. 24104914
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7163
(512) 936-7268 (facsimile)
Justine.Tan@puc.texas.gov

DOCKET NO. 49566

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 21, 2019, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "Justine Tan", is written over a horizontal line.

Justine Isabelle Caedo Tan

PUC Interoffice Memorandum

To: Justine Tan, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Debbie Reyes, Program Specialist
Water Utility Regulation Division

Date: June 18, 2019

Re: **Docket No. 49566:** *Application of City of Elmendorf to Obtain a Sewer Certificate of Convenience and Necessity in Bexar County*

On May 23, 2019, City of Elmendorf (Applicant) filed an application to obtain a sewer Certificate of Convenience and Necessity in Bexar County. The application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has determined that the application is sufficient for mapping; however the Applicant does not have a wastewater permit for the requested area and has not provided proof that a wastewater permit application has been filed with the Texas Commission on Environmental Quality (TCEQ). In order to cure this deficiency, the Applicant must file proof in this docket that an application for a wastewater permit has been submitted to the TCEQ. Therefore, Staff recommends that the application be deemed administratively incomplete and insufficient for filing.

The following information is also needed to assess the Applicant's financial capability to serve the requested area:

- A capital improvement plan and impact fee study, including a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area, keyed to a map showing where such facilities and connections will be located to provide service. The Applicant must include any developer funding agreements or any other applicable funding agreements, such as the developer agreement with DR Horton to fund the project and the agreement with the San Antonio River Authority to initially provide service to the requested area; and
- An answer to question #27, including a facilities and connections map indicating where the facilities and connections will be located in each of the pods on the master plan, if not included in the response above.