

Control Number: 49789



Item Number: 3

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DOCKET NO. 49789

**APPLICATION OF THE CITY OF §
ROUND ROCK AND SWWC §
UTILITIES, INC. DBA WINDERMERE §
UTILITY COMPANY INC. FOR §
APPROVAL OF A SERVICE AREA §
CONTRACT UNDER TEXAS WATER §
CODE § 13.248 AND TO AMEND §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN WILLIAMSON §
COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1 files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed insufficient for further review and that the applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On July 24, 2019, the City of Round Rock and SWWC Utilities, Inc. dba Windermere Utility Company Inc. (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend water Certificates of Convenience and Necessity (CCN) in Williamson County, Texas.

On July 26, 2019, Order No. 1 was issued establishing a deadline of August 23, 2019, for Staff to file a recommendation on the administrative completeness of the application and notice and to propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. DEFICIENCY RECOMMENDATION

As detailed in the attached memorandum of Elisabeth English of the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively incomplete at this time. Staff recommends that the Applicants be ordered

to cure the deficiencies identified in Ms. English's memorandum by September 23, 2019, and that Staff be given a deadline of October 23, 2019, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that the applicants should not issue notice until the application is found administratively complete.

III. PROCEDURAL SCHEDULE

In accordance with its 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 administrative completeness.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that the Applicants be ordered to file a supplement addressing the deficiencies identified in the application by September 23, 2019.

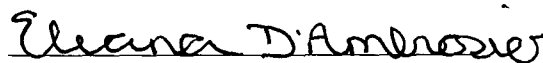
Dated: August 23, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
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DOCKET NO. 49789
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 23, 2019, in accordance with 16 TAC § 22.74.


Eleanor D'Ambrosio

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Heidi Graham, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: August 23, 2019

Subject: **Docket No. 49789:** *Application of the City of Round Rock and the SWWC Utilities, Inc. dba Windermere Utility Company Inc. for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Williamson and Travis County*

On July 24, 2019, the City of Round Rock (Round Rock) and SWWC Utilities, Inc. dba Windermere Utility Company Inc. (Windermere) (collectively, Applicants) filed a petition for approval of a contract designating Certificate Convenience and Necessity (CCN) service areas under Texas Water Code (TWC) § 13.248 in Travis and Williamson County, Texas. The service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

The Applicants seek to amend Round Rock's sewer CCN No. 20421 and Windermere's sewer CCN No. 20542 as a result of the *Amended and Restated Agreement for the Transfer of Retail Wastewater Utility Service Area Between the City of Round Rock and Windermere Utility Company* (Agreement)¹ entered into on February 1, 2019. The requested areas to be exchanged are based on the natural topography, existing roads and facilities; therefore, the amendments will allow the Applicants to efficiently serve the respective areas. There are no customers being provided service within the requested areas to be transferred.

Staff recommends that the application be deemed administratively incomplete due to notice deficiencies. Specifically, the meeting agenda required by 16 TAC § 24.253(c)(2) and the affidavits required by 16 TAC § 24.253(c)(3) were not provided. The decision to enter into the Agreement was discussed at the Round Rock City Council meeting on February 1, 2019, as evidenced by the agenda item summary included in the application,² but the rule requires that the application include both the meeting agenda and minutes. In addition, 16 TAC § 24.253(c)(2) only considers provision of the meeting agenda and minutes sufficient notice when there are no affected customers and both parties file affidavits attesting to the provision of notice.

Staff requests that Applicants supplement their application with the agenda for the Round Rock City Council meeting held on February 1, 2019, and affidavits attesting to the date that notice was provided via the discussions at the city council meeting.

¹ *Application of the City of Round Rock and the SWWC Utilities, Inc. dba Windermere Utility Company Inc. for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Williamson County*, Docket No. 49789, Attachment A (Jul. 24, 2019).

² *Id.* at Attachment B.