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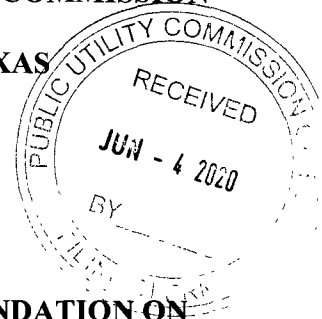
DOCKET NO. 50169

**APPLICATION OF THE CITY OF
AUBREY TO AMEND ITS
CERTIFICATES OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY PORTIONS OF
MUSTANG SPECIAL UTILITY
DISTRICT'S SERVICE AREAS IN
DENTON COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS



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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 4, files this Fourth Supplemental Recommendation on Administrative Completeness and Procedural Schedule. Staff recommends that the application continue to 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 October 28, 2019, the City of Aubrey (Aubrey) filed an application to amend its certificates of convenience and necessity (CCN) and to decertify portions of Mustang Special Utility District's service areas in Denton County. Aubrey holds water CCN number 11234 and sewer CCN number 20419 and Mustang Special Utility District holds water CCN number 11856 and sewer CCN number 20930. The requested service area consists of approximately 2,401 acres and 5 existing connections. Aubrey filed supplemental information on January 3, 2020, March 3 and 9, 2020, and May 4 and 7, 2020.

On April 6, 2020, the Administrative Law Judge issued Order No. 4 setting a deadline of June 4, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application, along with a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

II. DEFICIENCY RECOMMENDATION

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the application and continues to recommend that it be

found administratively incomplete. Staff recommends that Aubrey be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by July 3, 2020, and that Staff be given a deadline of August 4, 2020 to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Aubrey should not issue notice until the application is found administratively complete.

III. 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. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Aubrey be ordered to file a supplement addressing the identified deficiencies in the application by July 3, 2020.

Dated: June 4, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 June 4, 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: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: June 4, 2020

Subject: **Docket No. 50169**, *Application of the City of Aubrey to Amend its Certificates of Convenience and Necessity and to Decertify Portions of Mustang Special Utility District's Service Areas in Denton County*

On October 28, 2019, the City of Aubrey (City or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11234 and sewer CCN No. 20419 and to decertify portions of Mustang Special Utility District's (Mustang SUD) service area under water CCN No. 11856 and sewer CCN No. 20930 in Denton County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested area includes approximately 2,401 acres and 5 connections.

Staff has reviewed the information provided by the Applicant and recommends the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content:

Staff recommends that the Applicant's digital data filed on May 7, 2020 for the requested area remains deficient. The portion of Mustang SUD's CCN Nos. 11856 and 20930 that the Applicant is requesting to decertify does not accurately align with Mustang SUD's current service area. The boundaries of the requested area must be adjusted to correctly reflect the areas to be decertified from Mustang SUD's water and sewer CCNs. Staff recommends the Applicant obtain additional mapping assistance from the PUC's mapping staff, Ms. Tracy Montes at (512) 936-7187 or tracy.montes@puc.texas.gov to resolve the mapping deficiencies.

Staff recommends that the Applicant file the following items to resolve the mapping and application deficiencies:

- Revised digital data for the requested area, each polygon record provided in a shapefile (SHP) format, georeferenced in NAD83 Texas State Plane Coordinate System (US Feet).
 - Each polygon to be decertified from Mustang SUD's CCN Nos. 11856 and 20930;
 - Each polygon of the uncertificated service area to be added to the City of Aubrey's CCN Nos. 11234 and 20491; and
 - The polygon for the entire requested area to be amended to the City of Aubrey's CCN Nos. 11234 and 20491.
- State the approximate total acreage for the following as reflected in the digital data:
 - The portion to be decertified from Mustang SUD's CCN Nos. 11856 and 20930;
 - The portion of uncertificated service area (new area) to be amended to the City of Aubrey's CCN Nos. 11234 and 20491; and
 - The entire requested area to be amended to the City of Aubrey's CCN Nos. 11234

and 20491.

Technical Content:

The Applicant submitted plans for a new well and an elevated storage tank that will be replacing an existing elevated storage tank. However, it appears plans for the distribution system (the actual pipelines that will be transporting water to the service area) have not been submitted to the Texas Commission on Environmental Quality (TCEQ) for the requested area. One of the requirements for sufficiency of the application is proof that plans for the distribution system have been submitted to the TCEQ for approval.

In order to finalize approval of the CCN amendment, the construction of the distribution system must be approved by the TCEQ and the approval letters filed in this docket per 16 TAC § 24.233(a)(14). This approval letter is needed in addition to the approval letters for the plans for the well and elevated storage tank that were provided on May 7, 2020.

Note: Any confidential items should be submitted as confidential filings with the PUCT. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).