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DOCKET NO. 50903

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
PFLUGERVILLE TO AMEND A	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY UNDER TEXAS	§	
WATER CODE § 13.255 AND	§	
DECERTIFY A PORTION OF	§	
MANVILLE WATER SUPPLY	§	
CORPORATION'S SERVICE AREA IN	§	
TRAVIS COUNTY	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, NOTICE, AND PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 5, files this Recommendation on Administrative Completeness, Notice, and Procedural Schedule. Staff recommends that the application be deemed administratively incomplete and that the Applicants be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On June 3, 2020, the City of Pflugerville (Pflugerville) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11303 under Texas Water Code (TWC) § 13.255 in order to incorporate areas it currently serves and to decertify a portion of Manville Water Supply Corporation's (Manville WSC) water service area in Travis County. The requested service area consists of 2,698 acres. On August 31, 2020, Pflugerville filed supplemental mapping content and an amended agreement for the transfer of Manville WSC's water service area.

On September 3, 2020, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of October 12, 2020 for Staff to file a recommendation on the administrative completeness of the application and notice, and to propose a procedural schedule for the further processing of the application. Therefore, this pleading is timely filed.

II. COMMENTS REGARDING ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information, and, as detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the mapping content. Staff requests that the Applicants be ordered to submit additional mapping content and information, as further detailed in the attached memorandum.

III. NOTICE AND PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation, Staff does not comment on notice or propose a procedural schedule for the further processing of this docket at this time. Staff recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by November 18, 2020, and that Staff be given a deadline of December 18, 2020, to file a supplemental recommendation on the administrative completeness of the application and notice. Staff notes that the Applicants should not issue notice until the application is found administratively complete. Staff intends to propose a procedural schedule alongside its subsequent recommendation on the application and notice.

IV. CONCLUSION

Based on the foregoing reasons, Staff respectfully recommends that the application be found administratively incomplete at this time and that Applicants file a supplement addressing the identified deficiencies in the application by November 25, 2020.

Dated: October 12, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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**DOCKET NO. 50903
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 October 12, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins
Justin C. Adkins

Public Utility Commission of Texas

Memorandum

TO: Justin Adkins, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: October 12, 2020

RE: Docket No. 50903 – *Application of the City of Pflugerville to Amend a Certificate of Convenience and Necessity Under Texas Water Code § 13.255 and Decertify a Portion of Manville Water Supply Corporation's Service Area in Travis County*

On June 3, 2020, the City of Pflugerville (Pflugerville) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11303 in Travis County, Texas under Texas Water Code (TWC) § 13.255 and 16 Texas Administrative Code (TAC) § 24.259. Specifically, Pflugerville seeks approval to transfer area from Manville Water Supply Corporation's (Manville WSC) water CCN No. 11144 to Pflugerville's CCN and to obtain dual certification over portions of Manville WSC's existing CCN area. On August 31, 2020, Pflugerville filed supplemental information to the docket, including updated maps and an amended agreement between the Applicants.

Based on Staff's review of the above referenced application, Staff recommends that the application be found deficient and not accepted for filing at this time. Specifically, the maps and digital data filed are deficient.

Pflugerville's revised mapping documentation filed on August 31, 2020 is deficient. A portion of the requested area (F1) designated as dual certification includes a gap that needs to be fixed in the digital mapping data. According to the locations of Manville WSC's legacy customers and locations of their existing CCN facility line + 200 feet, there are requested areas (B1, B3, B5, B8, and portions of D1) designated as single certification, rather than dual certification. Staff recommends these portions of the requested areas be designated as dual certification, instead of single certification. If Pflugerville does not concur with Staff, Staff recommends that Pflugerville provide an explanation why these areas are designated as single certification, rather than as dual certification.

There are some areas of concern with portions of the requested areas (C1 and D1) designated as single certification in which there are long narrow areas ranging from less than a foot to 195 feet in width. It appears some of these areas may be the result of unintentional mapping errors, because these areas would not allow Pflugerville to provide retail water service to the entire property of a customer. If these areas are intended to designate distribution lines, Staff recommends including

the parcels on both sides of the distribution line to allow customer connections to an entire property. However, if these areas designate a transmission line in which customers cannot be served, these long narrow areas should be removed from the requested areas. If these areas are intentional, Staff recommends Pflugerville provide an explanation why they are needed to provide retail water service.

Staff further recommends that Pflugerville provide an explanation for the difference in the approximate acreage (2,605 acres) stated in the agreement in comparison to the approximate acreage (2,146 acres) provided in the digital mapping data for the requested areas.

Staff recommends that Pflugerville submit the following items to resolve the mapping deficiencies:

1. A revised general location map identifying only the requested areas, in reference to the nearest county boundary, city, or town.
2. Revised detailed maps identifying only the requested areas, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
3. Revised digital mapping data for the requested areas, provided as polygon records, in a shapefile (SHP) format, georeferenced in NAD83 Texas Statewide Mapping System (Meters).
4. A statement addressing the revised approximate total acreage, as well as acreage of the following:
 - portions of the requested area (single certification) to be transferred from Manville WSC (11144) to Pflugerville (11303); and
 - portions of the requested area to be dually certificated between Manville WSC (11144) and Pflugerville (11303).