



Control Number: 50903



Item Number: 14

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Pflugerville, TX 78691
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October 23, 2020

Public Utility Commission of Texas
Central Records
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

RE: PUCT 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*

To Whom It May Concern,

Please accept the letter and submitted supplemental information as a response to cure the deficiencies identified in Ms. Mathis' memorandum dated October 12, 2020, and further described in the Commission Staff's Recommendation on Administrative Completeness, Notice, And Procedural Schedule issued on October 12, 2020.

The City of Pflugerville and PUC staff met virtually on Friday, October 16, 3030 to discuss the specific comments in the memorandum. In response to the specific comments in the memorandum, please find responses and actions taken below.

1. Comment: A portion of the requested area (F1) designated as dual certification includes a gap that needs to be fixed in the digital mapping data. *Response: This gap has been fixed in the digital mapping data. Please see attached files.*
2. Comment: According to the locations of Manville WSC's legacy 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. *Response: The requested areas (B1, B3, B5, B8, and portions of D1) were modified and now shown as dual certification. Please see attached files.*
3. Comment: 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. *Response: As discussed in our meeting on October 16, 2020, the City is pursuing Water CCN acquisition within the City limits. The portions of C1 with long narrows areas remain in the mapping data as they are contiguous to the City Limits and*

existing City of Pflugerville Water CCN. The areas of D1 that were of concern have been updated in the digital and pdf maps to reflect changes requested by PUC. Please see attached files.

4. Comment: 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. Response: In an email from Justin Adkins on October 15, 2020, this comment was clarified with: "Tracy has re-reviewed the acreage for the revised digital mapping data and it seems that the discrepancy is between approximately 2,818 acres (not 2,146 acres) as provided in the digital mapping data (shapefiles) and the 2,605 acres noted in the revised agreement." As discussed in our meeting on October 16, 2020, the total single and dual certification acreage proposed for the CCN transfer, as shown in Exhibit A of the agreement, is 2,829 acres (NAD 1983 State Plane TX Central FIPS 4203 Feet). With changes referenced in this letter, there is a total of 688.3 acres of proposed dual certification area and 2,140.6 acres of single certification. When the data is reprojected to NAD83 Texas Statewide Mapping System (Meters) per PUC application requirements, the total recalculated acreage comes to roughly 2,818 acres. Using the NAD83 Texas Statewide Mapping System (Meters) and with the changes referenced in this letter, there is a total of 685.6 acres of proposed dual certification area and 2,132.15 acres of single certification.

The City of Pflugerville (City) had entered into an agreement, pursuant to Texas Water Code Section 13.255(a), with Manville Water Supply Corporation (Manville) to transfer a portion of Manville's Water certificate of convenience and necessity (CCN No. 11144) from Manville to the City's certificate of convenience and necessity (CCN No. 11303) for single certification. An application was submitted to the Public Utility Commission (PUC) in June 2020 for single certification and after review, PUC provided feedback stating the dual certification shall be required for areas with legacy customers. After receiving feedback from the Public Utility Commission (PUC), the City and Manville worked to amend the agreement to allow for dual certification of legacy customer areas which was resubmitted in August 2020. The proposed water CCN area to be transferred is located fully within the City's limits, and the City is capable of providing continuous and adequate service to all customers and qualified applicants for service within its certificated service area. Per the terms of the Revised and Amended Agreement for the Transfer of Water Certificate of Convenience and Necessity Service Area, the City will acquire dual and single certification of the Water CCN area to be transferred but will not acquire any infrastructure, facilities or property from Manville.

Should you have any questions or need additional information regarding this filing or application, please feel free to contact me at agiannini@pflugervilletx.gov or (512) 990-6107.

Sincerely,

**Amy
Giannini**

Digitally signed by Amy Giannini
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Amy Giannini, P.E., CFM
Assistant City Manager
City of Pflugerville

Attachments: Mapping data

CC: Tony Graf, General Manager, Manville Water Supply Corporation



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RE: PUCT Docket No. 50903 – *Request to Expedite Procedural Schedule*

To Whom It May Concern,

Please accept the letter as a request to expedite the procedural schedule outlined in the Commission Staff's Recommendation on Administrative Completeness, Notice, And Procedural Schedule issued on October 12, 2020 for PUCT Docket No. 50903. The City of Pflugerville (City) respectfully requests that the Administrative Law Judge adopt the following revised procedural schedule that differs from the above mentioned recommendation:

Applicant to submit data to cure deficiencies	October 23, 2020
Commission Staff supplemental recommendation on the administrative completeness of the application and notice	November 23, 2020

The schedule presented in the Commission Staff's Recommendation on Administrative Completeness, Notice, And Procedural Schedule issued on October 12, 2020 provided a date for the applicant to cure deficiencies on November 18, 2020 and Commission staff was given until December 18, 2020 to file a supplemental recommendation. Given the minor nature of the comments issued by the Commission, the City of Pflugerville is able to submit data to cure deficiencies on October 23, 2020, twenty-six days prior to the original schedule. The City of Pflugerville respectfully requests that Commission staff review that submitted information and data, and provide a supplemental recommendation on the administrative completeness of the application and notice one month following the City's submittal.

Due to current development pressure in the areas proposed for transfer, the City of Pflugerville has designed and is prepared to start construction on infrastructure to serve areas included in the application. In order to make the significant investment in infrastructure to serve these areas and not further delay development in these areas, the City needs the Commission application to be approved, in accordance with the submitted agreement, pursuant to Texas Water Code Section 13.255(a), with Manville Water Supply Corporation (Manville). City of Pflugerville has conferred with Commission Legal Division and GIS staff, and they are unopposed to this request.

For the reasons set forth in this request, the City of Pflugerville respectfully requests that the Administrative Law Judge enter an order adopting the proposed expedited procedural schedule in this proceeding and grant MSCG such other relief to which it may be entitled.

Should you have any questions or need additional information regarding this filing or application, please feel free to contact me at agiannini@pflugervilletx.gov or (512) 990-6107.

Respectfully Submitted,

Amy Giannini

Digitally signed by Amy Giannini
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Amy Giannini, P.E., CFM
Assistant City Manager
City of Pflugerville

CC: Tony Graf, General Manager, Manville Water Supply Corporation