

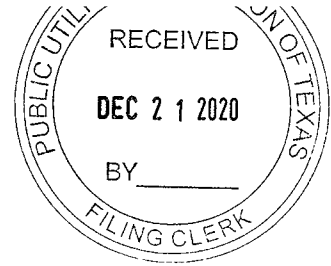


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DOCKET NO. 50903

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 CORRECTED NOTICE RECOMMENDATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Corrected Notice Recommendation. 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 and 16 Texas Administrative Code (TAC) § 24.259 in order to incorporate areas it currently serves and to decertify a portion of Manville Water Supply Corporation's (Manville WSC) water service area, and approximately 38 acres of uncertificated service area, in Travis County. In addition, Pflugerville seeks dual certification with Manville WSC for certificated service area. The requested service area consists of 2,829 acres. On August 31, 2020 and October 23, 2020, Pflugerville filed supplements to the docket.

II. CORRECTED NOTICE RECOMMENDATION

On December 18, 2020 Staff filed its Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule. Attached to the recommendation was the memorandum of Jolie Mathis, Infrastructure Division, outlining among other things, certain cities, districts, and neighboring retail public utilities providing the same utility service that should receive notice of the Application. Staff has identified certain adjustments to that list of entities that are required. Therefore, a corrected memorandum from Ms. Mathis is attached to this pleading.

III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that Pflugerville be directed to provide notice as detailed in the attached corrected memorandum.

Dated: December 21, 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 December 21, 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: December 21, 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 § 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 No. 11303. In addition, Pflugerville seeks dual certification with Manville WSC for the certificated service area in which Manville WSC has a facility line plus two hundred feet of area, in which Manville WSC serves legacy customers.

Based on Tracy Montes' review of the revised maps and digital data, and my review of the revised agreement between Pflugerville and Manville WSC provided on October 23, 2020, I recommend that the application be deemed administratively complete and sufficient for filing. According to the revised mapping documentation, Ms. Montes determined the requested areas for single and dual certification are located within Pflugerville's annexed corporate boundaries.

Furthermore, Pflugerville's requested areas with single certification include approximately 2,140.6 acres, and the requested areas with dual certification between Pflugerville and Manville WSC include approximately 688.3 acres. The total requested area being amended to Pflugerville includes approximately 2,829 acres. There is approximately 38 acres spread across the entire requested area (2,829 acres) that is uncertificated service area. Both Pflugerville and Manville WSC are seeking dual certification for the 38 acres, in order to fix mapping errors between each other's certificated service areas. In addition, the uncertificated service area is located within Pflugerville's annexed corporate boundaries.

Due to the inclusion of uncertificated service area, I further recommend Pflugerville be ordered to provide notice by first-class mail and publish in the newspaper after staff provides them the appropriate notice forms:

1) Provide notice of the application by first-class mail to the following, after staff provides the appropriate notice forms:

a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:

- *City of Austin (CCN No. 11322)*
- *City of Round Rock (CCN No. 11047)*
- *Lakeside WCID 1 (CCN No. 13243)*
- *Lakeside WCID 2B (CCN No. 13244)*
- *Lakeside WCID 2C (CCN No. 13245)*
- *Round Rock Ranch PUD Utility (CCN No. 12797)*
- *T P Invest A Joint Venture (CCN No. 12064)*
- *Windermere Utility Company Inc. (CCN No. 11471)*
- *Brazos River Authority*
- *Kelly Lane WCID 1 of Travis County*
- *Kelly Lane WCID 2 of Travis County*
- *Lakeside MUD 3*
- *Lower Colorado River Authority*
- *Northeast Travis County Utility District*
- *Northtown MUD*
- *Travis County MUD 15*
- *Upper Brushy Creek WCID*

b. The county judge of each county that is wholly or partially included in the requested area:

- *Travis County Judge*

c. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.

d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Pflugerville from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

2) Once staff provides the appropriate notice forms, Pflugerville to publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Pflugerville must file an affidavit specifying the

notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 4) File in the docket copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Pflugerville. Pflugerville will have 20 days from the receipt of the RFI to respond.