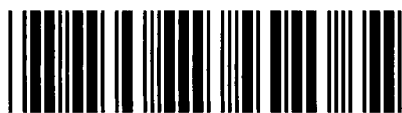




Control Number: 51124



Item Number: 3

Addendum StartPage: 0



**DOCKET NO. 51124**

**PETITION OF THE CITY OF PHARR  
AND THE CITY OF SAN JUAN FOR  
APPROVAL OF SERVICE AREA  
CONTRACT UNDER THE TEXAS  
WATER CODE § 13.248 AND TO  
AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HIDALGO COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND SUFFICIENCY OF NOTICE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Administrative Completeness and Sufficiency of Notice. Staff recommends that the petition be deemed administratively incomplete at this time. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 29, 2020, the City of Pharr (Pharr) and the City of San Juan (San Juan) (collectively, Applicants) filed a petition for approval of a service area contract under Texas Water Code § 13.248 and 16 Texas Administrative Code (TAC) § 24.253 to amend their sewer certificates of convenience and necessity (CCN) in Hidalgo County. Specifically, the Applicants seeks to dually certificate an area to both San Juan's CCN number 20643 and Pharr's sewer CCN number 20791.

On July 31, 2020, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the petition and sufficiency of notice by August 31, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition filed by the Applicants and, as detailed in the attached memorandum from Alicia Maloy, Infrastructure Division, recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the mapping content. Staff notes that the requested area cannot include uncertificated service area with this type of petition. If Pharr is seeking uncertificated service area, it must file either a separate CCN amendment application or supplement their petition to include the CCN amendment application

materials. Staff requests that the Applicants be ordered to submit additional mapping content, as detailed in Ms. Maloy's attached memorandum.

### **III. NOTICE**

Staff recommends that the petition be deemed administratively incomplete. Therefore, Staff will not be making a recommendation on notice at this time. Staff intends to make a notice sufficiency recommendation with a subsequent recommendation on administrative completeness.

### **IV. PROPOSED 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 recommends that the Applicants be ordered to cure the deficiencies identified in Ms. Maloy's memorandum by September 14, 2020, and that Staff be given a deadline of October 14, 2020, to file a supplemental recommendation on the administrative completeness of the petition.

### **V. CONCLUSION**

For the reasons discussed above, Staff respectfully requests that the Applicants' petition be found administratively incomplete at this time, and that the Applicants be ordered to file a supplement addressing the identified deficiencies by September 14, 2020.

Dated: August 31, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 51124**

**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 August 31, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux  
Megan Chalifoux

## PUC Interoffice Memorandum

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**To:** Megan Chalifoux, Attorney  
Legal Division

**From:** Alicia Maloy, Senior Infrastructure Analyst  
Infrastructure Division

**Date:** August 31, 2020

**Subject:** **Docket No. 51124:** *Petition of the City of Pharr and the City of San Juan for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Hidalgo County*

On July 29, 2020, the City of Pharr and the City of San Juan (collectively, Petitioners) filed a petition for approval of a contract designating Certificate Convenience and Necessity (CCN) service areas under Texas Water Code (TWC) § 13.248, to amend the City of Pharr's sewer certificate of convenience and necessity (CCN) No. 20643 and the City of San Juan's sewer CCN No. 20791 in Hidalgo County, Texas. Specifically, the Petitioners seek dual certification of the sewer service territory designated in an Agreement Designating Retail Sewer Service Territory between the cities of Pharr and San Juan. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Staff has reviewed the information provided by the Petitioners and recommends the petition be deemed administratively incomplete and not accepted for filing due to the deficiency detailed below:

**Mapping Information:**

The digital data filed is deficient. The requested area does not accurately follow the boundaries of existing CCNs. Therefore, there are portions of the requested area already certificated to the City of Pharr's CCN No. 20643, that should be removed from the requested area. There are portions of the requested area that should include portions of the City of San Juan's CCN No. 20791, that should be added to the requested area. Also, the requested area cannot include uncertificated service area with this type of petition. If the City of Pharr is seeking uncertificated service area, it must file a CCN amendment application.

Applicant must submit the following items to resolve the mapping deficiencies:

Revised digital mapping data for the requested area, provided as a single polygon record, in a shapefile (SHP) format, georeferenced in NAD83 Texas Statewide Mapping System (Meters).