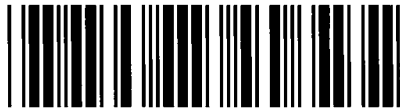




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DOCKET NO. 51124

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

**COMMISSION STAFF'S SUPPLEMENTAL 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 Supplemental 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 September 1, 2020, the administrative law judge (ALJ) issued Order No. 2, requiring Staff to file comments on the administrative completeness of the petition and sufficiency of notice by October 14, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplements 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 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 October 28, 2020, and that Staff be given a deadline of November 13, 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 October 28, 2020.

Dated: October 14, 2020

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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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 October 14, 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:** October 14, 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, Applicants) 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 Applicants 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 Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

On September 2, 2020, and October 5, 2020, the Cities filed supplemental mapping information in response to Commission Order No. 2. Staff has reviewed the supplemental information provided by the Cities and recommends the petition be deemed administratively incomplete and not accepted for filing due to the deficiency detailed below.

### **Mapping Information:**

The revised digital data filed on September 2 and 5, 2020 are deficient. The revised digital data for the requested dual certification area does not accurately follow along the boundary of San Juan's existing CCN No. 20791. A portion of the requested dual certification area includes area that is not certificated to San Juan's existing CCN No. 20791 and must be removed. Please state the amount of approximate total acreage for the revised requested dual certification area that Pharr is seeking with San Juan's CCN.

The Cities 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).
- State in writing, the approximate total acreage for requested dual certification area between Pharr's CCN and San Juan's CCN.