



Control Number: 51170



Item Number: 24

Addendum StartPage: 0

DOCKET NO. 51170

RECEIVED

APPLICATION OF THE CITY OF §
SWEETWATER TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN NOLAN COUNTY §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS
2021 MAY 10 PM 2:37
RECORDING CLERK

**CITY OF SWEETWATER'S
SECOND SUPPLEMENT TO APPLICATION**

COMES NOW, the City of Sweetwater (the "City"), by and through its undersigned attorneys of records, and files this "Second Supplement to Application". In support thereof, the City would respectfully show as follows:

I. BACKGROUND

On August 14, 2020, the City filed its application (the "Application") at the Public Utility Commission of Texas (the "Commission") to amend its water Certificate of Convenience and Necessity ("CCN") No. 10228 in Nolan County, Texas to include (1) 234 acres of land that is not certificated to any entity and (2) 53 acres of land that is within the current water CCN boundaries of Bitter Creek Water Supply Corporation ("BCWSC"). The entire requested service area consists of 287 acres, and is entirely owned by Georgia Pacific, LLC ("Georgia Pacific").

On September 11, 2020, Georgia Pacific submitted a letter to the Commission requesting to remove 234 acres of its real property from the City's request for single certification. Then, on September 14, 2020, Commission Staff filed a "Recommendation on Administrative Completeness and Proposed Notice," recommending that the Application be found administratively incomplete and that the City be ordered to file supplemental information. Specifically, Commission Staff recommended that the City be required to cure deficiencies identified in a September 14, 2020 "PUC Interoffice Memorandum" ("Staff's Memo"). On September 15, 2020, the Administrative Law Judge (the "ALJ") issued Order No. 2 in this

Docket, finding the Application administratively incomplete, and ordering the City to provide the supplemental information requested in Staff's Memo on or before October 14, 2020. On October 14, 2020, the City filed an Agreed Motion for Extension of Time to Supplement the Application, and on October 15, 2020, the ALJ issued Order No. 3 granting this extension and ordering the City to provide the supplemental information requested in Staff's Memo on or before January 12, 2021. On January 6, 2021, Georgia Pacific filed a Motion to Rescind Opt-Out Notice and Motion to Intervene. On January 12, 2021, the City filed an Agreed Motion for Extension of Time to Supplement the Application, and on January 13, 2021, the ALJ issued Order No. 4 granting this extension and ordering the City to provide the supplemental information requested in Staff's Memo on or before February 11, 2021.

On February 10, 2021, the City filed its First Supplement to Application. On March 2, 2021, the City filed its Motion for Severance. On March 9, 2021, Staff filed a request for extension to file its supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule. On March 10, 2021, the ALJ issued Order No. 6, severing the proceedings, establishing docket, restyling, and granting Commission Staff extension, giving a deadline of April 9, 2021 for Staff to file its supplemental recommendation. On April 9, 2021, Staff filed its Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule, and on April 12, 2021, the ALJ issued Order No. 7 finding the application incomplete and deficient and establishing a deadline of May 10, 2021 for the City to cure the deficiencies described in the April 9, 2021 memorandum of Patricia Garcia. Therefore, this Motion is timely filed.

II. SUPPLEMENT TO APPLICATION

The City hereby provides the following responses to Commission Staff's April 9, 2021 Supplemental Recommendation on Administrative Completeness and corresponding Staff Memorandum, providing the additional information and attachments contained herein. The City hereby amends the Application with such information, as follows:

- General Location Map. In response to Request 1 in Commission Staff's Memo, the City provides a map depicting the general location of the requested service area, a copy of which is attached hereto as Attachment A.
- Detailed Map. In response to Request 1 in Commission Staff's Memo, the City provides a map depicting the requested service area in reference to verifiable man-made and natural landmarks, a copy of which is attached hereto as Attachment B.
- Digital Mapping Data. In response to Request 1 in Commission Staff's Memo, the City provides digital mapping data in shapefile format, a copy of which is attached hereto in a CD-ROM as Attachment C.
- Service Area Map. The City additionally provides a map depicting the areas and acreage for (1) the area within the city limits; (2) the area within the City's extraterritorial jurisdiction ("ETJ"); and (3) the area outside the city limits and ETJ ("Overview Map"), a copy of which is attached hereto as Attachment D.
- Service Request Map: The City additionally provides a map depicting the location of Georgia Pacific's request for service, identified by parcel, in the requested area ("Service Request Map") is attached hereto as Attachment E.

III. CONCLUSION AND PRAYER

The City of Sweetwater respectfully requests that the Commission approve its Application and grant all other and further relief to which it may be entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



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DANIELLE LAM
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dlam@lglawfirm.com

**ATTORNEYS FOR THE CITY OF
SWEETWATER**

CERTIFICATE OF SERVICE

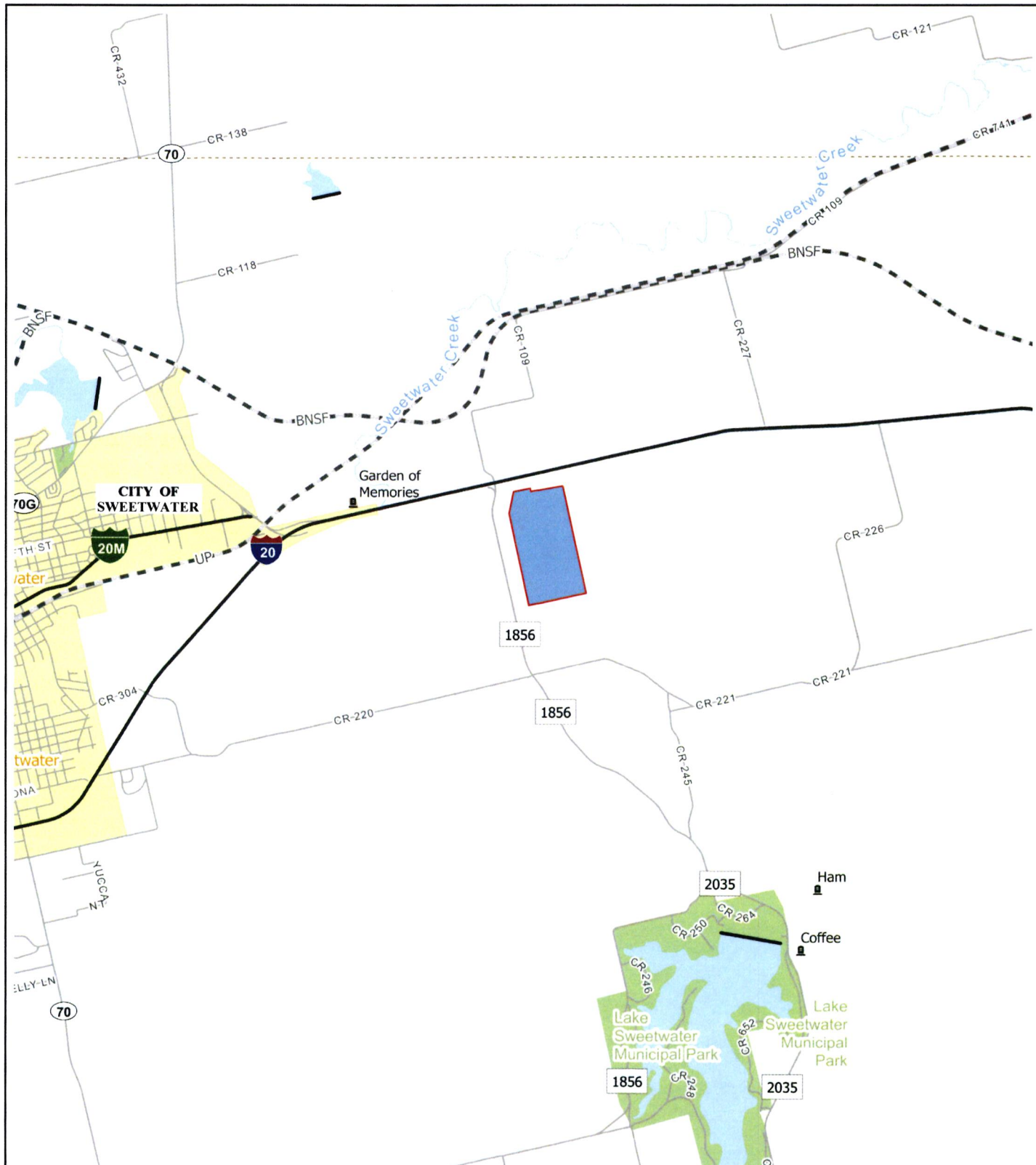
I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.




David J. Klein

ATTACHMENT A

General Location Map



LEGEND

 PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES



0.5 0
SCALE IN MILES



ENPROTEC/HIBBS & TODD, INC.

ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

**PROPOSED SINGLE SERVICE CCN
AMENDMENT AREA GENERAL LOCATION
CITY OF SWEETWATER (WATER CCN 10228)
NOLAN COUNTY, TEXAS**

3915-22

04/21/2021

ATTACHMENT B

Detailed Map



400 0 800
SCALE IN FEET

LEGEND

PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES



ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING

402 Cedar Street
325-698-5560
Aldine, Texas 75001
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

**PROPOSED SINGLE SERVICE CCN
AMENDMENT AREA DETAIL
CITY OF SWEETWATER (WATER CCN 10228)
NOLAN COUNTY, TEXAS**

3915-22

04/21/2021

ATTACHMENT C

Digital Mapping Data

ATTACHMENT D

Service Area Map

DOCKET NO. 51170

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SWEETWATER TO AMEND A	§	PUBLIC UTILITY COMMISSION
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**ATTORNEYS FOR THE CITY OF
SWEETWATER**

CERTIFICATE OF SERVICE

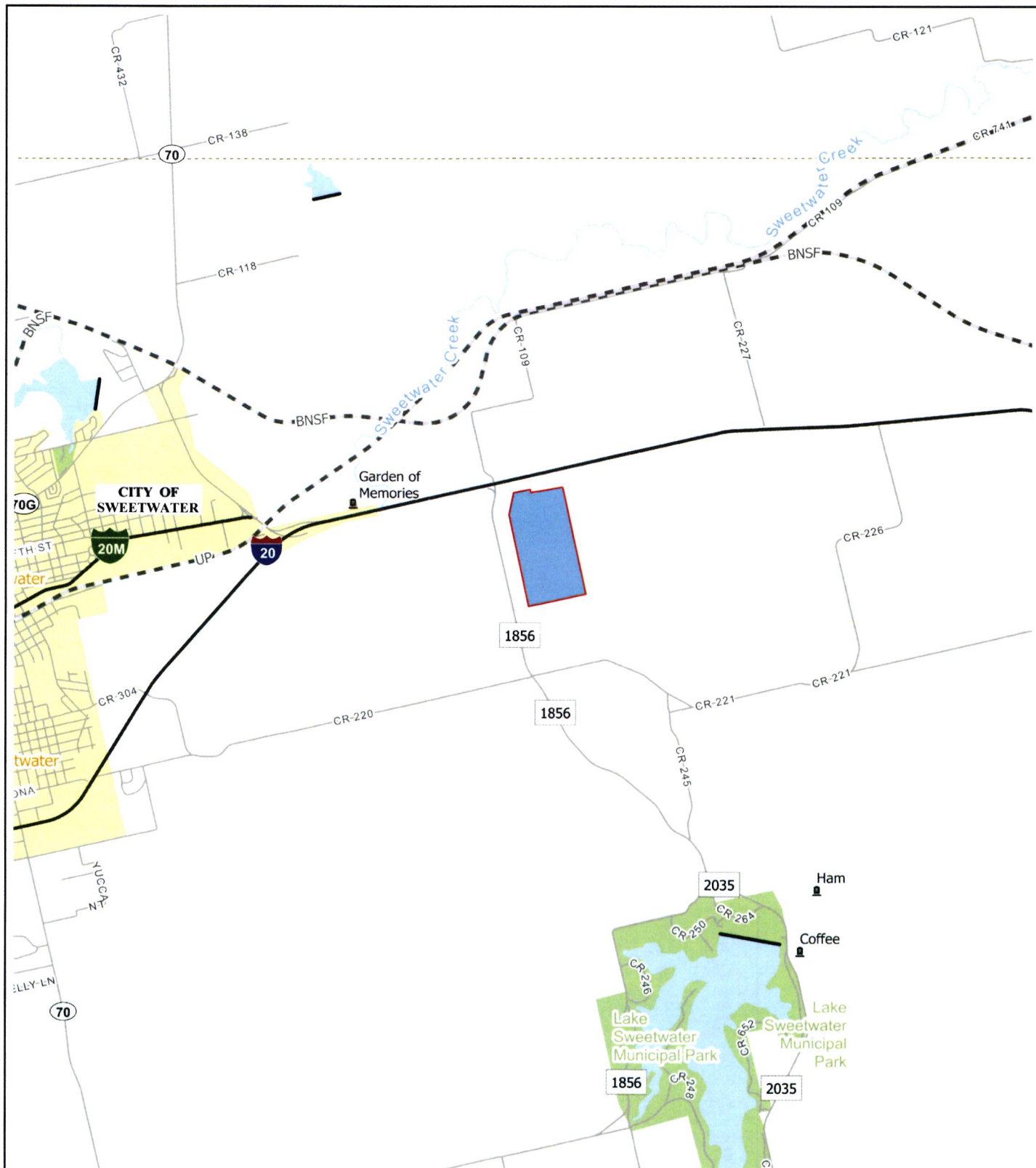
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David J. Klein

ATTACHMENT A

General Location Map



LEGEND

 PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES



ENPROTEC/HIBBS & TODD, INC.

ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
Abilene, Texas 79601
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

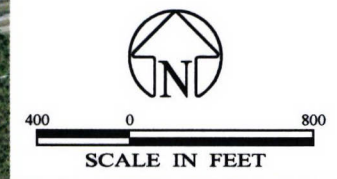
**PROPOSED SINGLE SERVICE CCN
AMENDMENT AREA GENERAL LOCATION
CITY OF SWEETWATER (WATER CCN 10228)
NOLAN COUNTY, TEXAS**

3915-22

04/21/2021

ATTACHMENT B

Detailed Map



LEGEND

PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES



ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
325-698-5560

Auburn, Texas 79601
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011000

**PROPOSED SINGLE SERVICE CCN
AMENDMENT AREA DETAIL
CITY OF SWEETWATER (WATER CCN 10228)
NOLAN COUNTY, TEXAS**

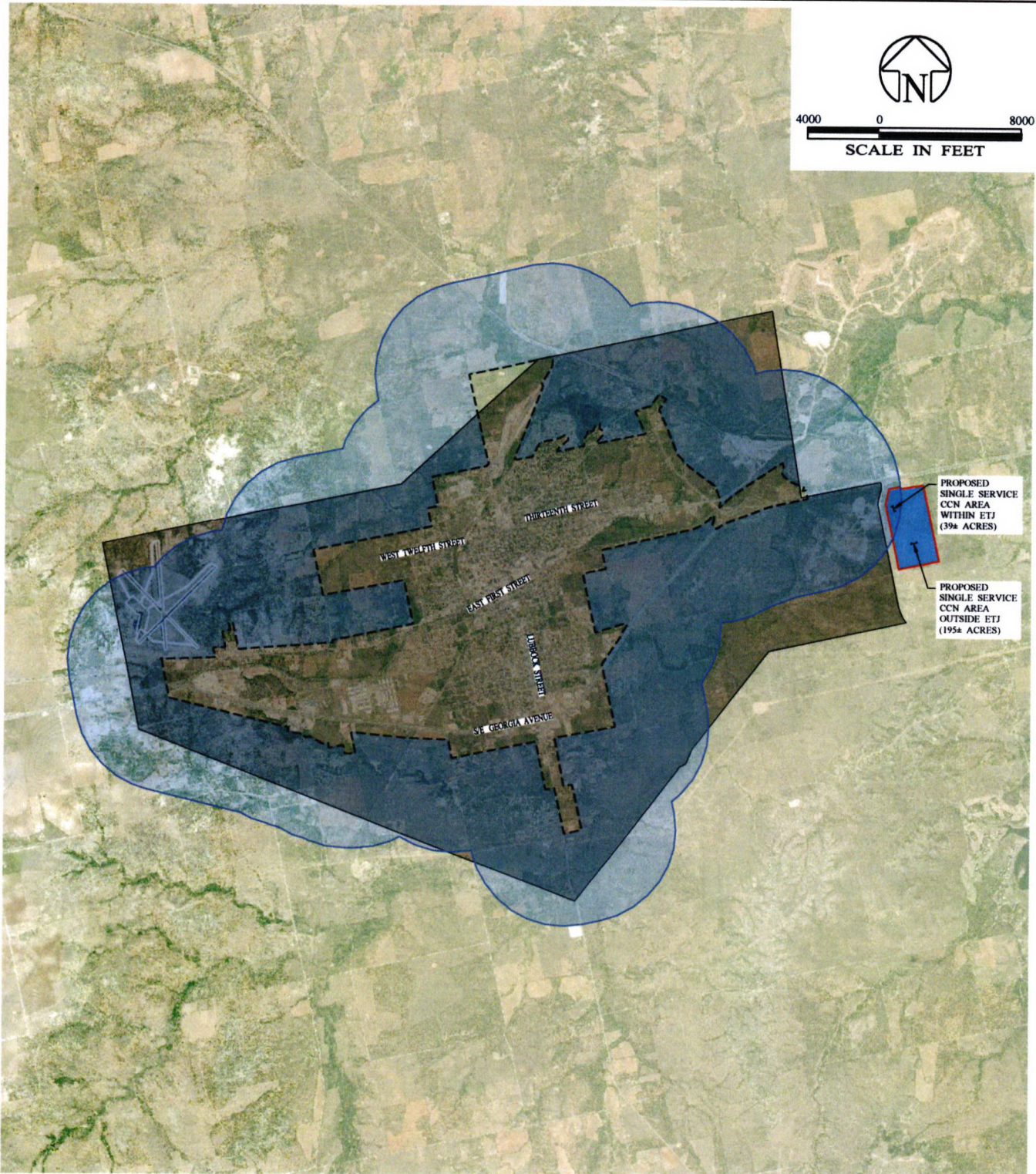
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04/21/2021

ATTACHMENT C


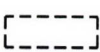


Digital Mapping Data

ATTACHMENT D

Service Area Map



LEGEND

- | | | | |
|---|---|---|-------------------------------|
|  | PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES |  | CITY LIMITS
(7,164± ACRES) |
|  | EXISTING SWEETWATER WATER
CCN AREA (19,109± ACRES) | | |
|  | ETJ BOUNDARY
(16,622± ACRES) | | |

ENPROTEC/HIBBS & TODD, INC.
 ENVIRONMENTAL AND CIVIL ENGINEERING
 402 Cedar Street
 325-698-5560
 PE Firm Registration No. 1151
 PG Firm Registration No. 90103
 RPLS Firm Registration No. 10011900

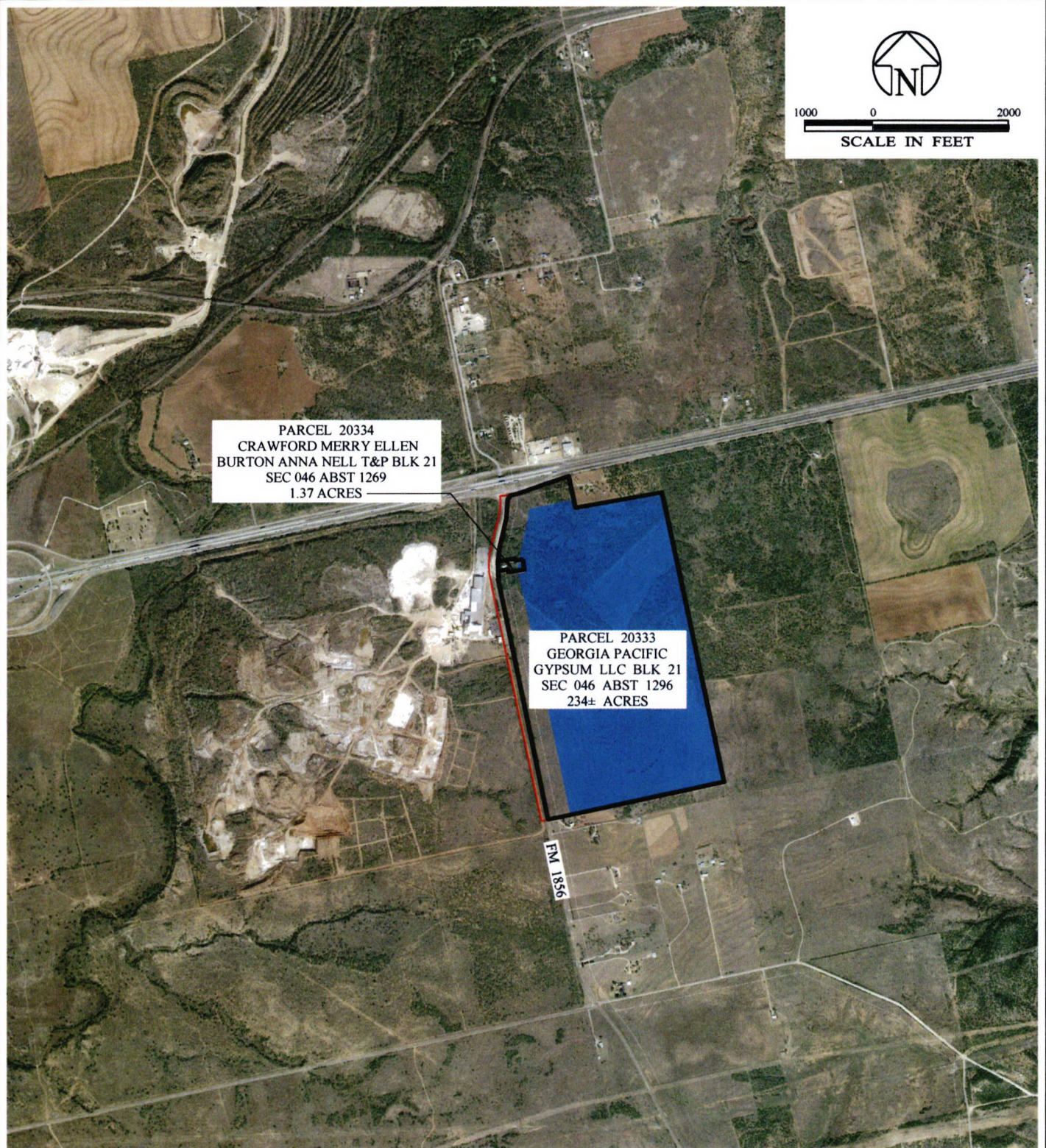
**PROPOSED SINGLE SERVICE CCN
 OVERVIEW MAP
 CITY OF SWEETWATER (WATER CCN 10228)
 NOLAN COUNTY, TEXAS**

3915-22

04/21/2021

ATTACHMENT E

Service Request Map



LEGEND

- PROPOSED SINGLE SERVICE
CCN AREA 234± ACRES
- BOUNDARY LINES



ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
325-698-5560
Abilene, Texas 79601
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RPLS Firm Registration No. 10011900

**PROPOSED SINGLE SERVICE CCN
AMENDMENT SERVICE REQUEST MAP
CITY OF SWEETWATER (WATER CCN 10228)
NOLAN COUNTY, TEXAS**

3915-22

04/21/2021