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Received - 2021-11-09 03:00:25 PM
Control Number - 51170
ItemNumber - 47

DOCKET NO. 51170

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

**CITY OF SWEETWATER'S RESPONSE TO
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION**

To: Public Utility Commission of Texas (Commission), by and through its attorney of record, Floyd Walker, Legal Division, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78701.

COMES NOW, City of Sweetwater (City), by and through its undersigned attorneys of record, files its Response to Public Utility Commission Staff's First Request for Information (RFI) to City of Sweetwater. This response is timely filed. Pursuant to 16 Tex. Admin. Code (TAC) § 22.144(c)(2)(F), City of Sweetwater agrees and stipulates that all parties may treat the responses as if the answers were filed under oath.

Respectfully submitted,

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

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




DAVID J. KLEIN
State Bar No. 24041257
dklein@lglawfirm.com

DANIELLE LAM
State Bar No. 24121709
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 November 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



David J. Klein

**CITY OF SWEETWATER'S RESPONSE TO
COMMISSION STAFF'S FIRST RFI**

Staff 1-1 Refer to the application at Part B Question No. 11. Please admit or deny that the "new service extension line" is the eight-inch water main identified by Bitter Creek Water Supply Corporation in Docket No. 52443. If the answer is anything other than an unqualified admit, please explain.

RESPONSE: Admit in part and deny in part. It is the City's understanding that Part B Question No. 11 of the Application states that "[t]he only facilities which will need to be constructed include a service line extension to serve the Commercial Entity's expanded facility." It is also the City's understanding that Bitter Creek Water Supply Corporation's (BCWSC) Amended Petition filed on September 14, 2021 states that "[t]he CITY is also in the process of a road bore under FM 1856 for an eight inch (8") water main so it can provide additional retail water service to GEORGIA-PACIFIC on land that is within BITTER CREEK's CCN boundaries. ... Further, the water line that the City plans to construct to this 8-inch meter will cross and/or be on top of BITTER CREEK's exiting waterline and will interfere with the company's ability to have access to its waterline for repairs, improvements and upgrades."¹

Based upon the understanding in the paragraph above, the City admits that it is constructing a 12-inch water main across FM 1856 to ultimately provide retail water service to the portion of Georgia Pacific's land located on the east side of FM 1856 that is currently not within the water CCN boundaries of BCWSC or any other entity. The City denies that the purpose of this water main is to provide additional retail water service to the portion of Georgia Pacific's land that is within BCWSC's water CCN boundaries, as alleged by BCWSC.

Prepared by: Eddy Campbell, Director of Utilities of the City, and Sage Diller, P.E.,
Enprotec/Hibbs & Todd, Inc.
Sponsored by: Eddy Campbell, Director of Utilities of the City, and Sage Diller, P.E.,
Enprotec/Hibbs & Todd, Inc.

¹ *Petition of Bitter Creek Water Supply Corporation for a Cease and Desist Order Against the City of Sweetwater*, Docket No. 52443, Amended Petition at 3 (Sept. 14, 2021).

**CITY OF SWEETWATER'S RESPONSE TO
COMMISSION STAFF'S FIRST RFI**

Staff 1-2 Please state whether Sweetwater has the ability to provide adequate and continuous water service to the requested area (a) without the construction of a new service extension line; and (b) without the construction of a new service extension line that passes through the certificated area of Bitter Creek Water Supply Corporation.

RESPONSE: As with any customer or service area, the City would need to install a water line to have the ability to provide adequate and continuous water service to the requested area. It is likely that such waterline would pass through the portion of BCWSC's water CCN that is currently singly certificated to BCWSC.

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**CITY OF SWEETWATER'S RESPONSE TO
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Staff 1-3 To the extent that Sweetwater contends that it is able to provide adequate and continuous water service to the requested area without the construction of a new service extension line, describe in detail Sweetwater's alternative methods of providing water service to the requested area including estimated costs and timelines.

RESPONSE: At this point, the City does not believe that it can provide retail water service to the requested area without installing a waterline that delivers water to the area, unless potable water is trucked in. The City has not evaluated the estimated costs or timelines of trucking in water at this point. The City will supplement this response once such estimates are complete. The City is willing to consider other alternative methods, but it has not developed any at this time. The City will supplement this response as alternative methods are determined.

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**CITY OF SWEETWATER'S RESPONSE TO
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Staff 1-4 To the extent that Sweetwater contends that it is able to provide adequate and continuous water service to the requested area without the construction of a new service extension line, describe in detail whether its implementation of alternatives is contingent upon complete or partial denial of the petition in Docket No. 52443.

RESPONSE: At this point, the City does not contend that it can provide retail water service to the requested area without installing a waterline that delivers water to the area, unless potable water is trucked in. The City is willing to consider other alternative methods, but it has not developed any at this time. The City will supplement this response as alternative methods are determined. Regardless, any alternatives are not contingent upon complete or partial denial of the petition in Docket No. 52443 because Docket No. 52443 pertains to the alleged provision of retail water service by the City to land that is not the subject matter of this Docket, and the City is not and will not provide retail water service to the area contemplated by Docket No. 52443 without first receiving a water CCN from the Commission for that area.

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