



Control Number: 51801



Item Number: 7

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**DOCKET NO. 51801**

RECEIVED

**APPLICATION OF THE CITY OF §  
SCHERTZ TO AMEND ITS SEWER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN COMAL COUNTY §**

2021 MAY 10 PM 1:13  
**PUBLIC UTILITY COMMISSION**  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

On February 8, 2021, the City of Schertz (Schertz) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) number 20271 in Comal County, Texas under Texas Water Code (TWC) §§ 13.242-13.250 and 16 Texas Administrative Code (TAC) §§ 24.225-24.237. Schertz filed supplemental information on February 11, 2021 and March 16, 2021.

On March 10, 2021, the administrative law judge (ALJ) filed Order No. 2, ordering the Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the application and proposed notice and to file a recommendation regarding how to proceed with the application and propose a procedural schedule by May 10, 2021. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Schertz's application and supplemental information and, as detailed in the attached memoranda of Fred Bednarski III, Rate Regulation Division, and Patricia Garcia, Infrastructure Division, recommends that the application, as supplemented, be found administratively complete and accepted for filing. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

**II. NOTICE**

At this time, Staff recommends that Schertz proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Ms. Garcia. Along with each individual notice, Staff recommends that Schertz provide an accurate map delineating the requested service area.

Staff further recommends that Schertz publish notice of the application for two consecutive weeks in a newspaper of general circulation in Comal County.

Once notice has been provided, Staff recommends that Schertz file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Schertz should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Schertz use the attached notices and affidavits to meet these requirements.

### **III.COMMENTS ON PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Deadline for Schertz to file with the Commission signed affidavits that notice was given, along with a copy of the notice and map sent to the affected parties, and proof that notice was published in a newspaper of general circulation	June 18, 2021
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	June 28, 2021
Deadline to intervene	Thirty (30) days after notice is issued

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that Schertz be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: May 10, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ Robert Dakota Parish  
Robert Dakota Parish  
State Bar No. 24116875  
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Austin, Texas 78711-3480  
(512) 936-7442  
(512) 936-7268 (facsimile)  
Robert.Parish@puc.texas.gov

**DOCKET NO. 51801**

**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 on May 10, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Robert Dakota Parish  
Robert Dakota Parish

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Robert Parish, Attorney  
Legal Division

**FROM:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** May 10, 2021

**RE:** Docket No. 51801 – *Application of the City of Schertz to Amend Its Sewer Certificate of Convenience and Necessity in Comal County*

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On February 8, 2021, the City of Schertz filed an application to amend its sewer certificate of convenience and necessity in Comal County under Subchapter G of Texas Water Code Chapter 13.

I have reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Robert Parish, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** May 10, 2021

**RE:** Docket No. 51801 – *Application of the City of Schertz to Amend Its Sewer Certificate of Convenience and Necessity in Comal County*

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On February 8, 2021, the City of Schertz (Schertz) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20271 in Comal County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested area includes approximately 150 acres, comprised of 150 acres of uncertificated area.

The result of the application will be the addition of approximately 150 acres to CCN No. 20271.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with Interchange Item 1 on February 8, 2021 and Interchange Item 3 on February 11, 2021 are sufficient. Based on my technical and managerial review of the additional information filed by Schertz on March 16, 2021, I recommend that the application be deemed administratively complete. I further recommend that Schertz be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
  - 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:
    - *Canyon Regional Water Authority*
    - *Cibolo Creek Municipal Authority*
    - *City of Cibolo*
    - *City of Garden Ridge*
    - *City of San Antonio*
    - *City of Selma*
    - *City of Universal City (CCN No. 20275)*
    - *Green Valley Special Utility District*

- *Guadalupe-Blanco River Authority*
- *San Antonio River Authority*
- *San Antonio Water System (CCN No. 20285)*

- b. The county judge of each county that is wholly or partially included in the requested area:
  - *Comal County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
  - *Comal Trinity Groundwater Conservation District*
  - *Edwards Aquifer Authority*
- d. 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.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Schertz 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) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. 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, Schertz 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 notice using the attached notice forms.
- 4) 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.
- 5) File in the docket a 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 Schertz. Schertz will have 20 days from the receipt of any RFI request to respond.

***Notice for Publication***

**NOTICE OF APPLICATION FOR THE CITY OF SCHERTZ TO AMEND A CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN  
COMAL COUNTY, TEXAS**

The City of Schertz has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20271 for the provision of retail sewer utility service in Comal County, Texas.

The requested area overlaps the district boundaries of the districts listed below:

- Cibolo Creek Municipal Authority
- Guadalupe-Blanco River Authority

If the districts do not request a public hearing, the Commission shall determine that the district is consenting to the City of Schertz's request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 5 mile(s) north-northwest of downtown Schertz, Texas, and is generally bounded on the north by Union Pacific Railroad; on the east by Doerr Lane; on the south by Union Pacific Railroad; and on the west by Cibolo Creek.

The requested area includes approximately 150 acres, comprised of 150 acres of uncertificated area.

The result of the application/petition will be the addition of approximately 150 acres to CCN No. 20271.

**A copy of the map showing the requested area is available at:** Schertz Public Works, 10 Commercial Place Bldg. # 2, Schertz, TX 78154

*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.*

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.



Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

**Notice to Neighboring Systems, Landowners, Customers, and Cities**  
NOTICE OF APPLICATION FOR THE CITY OF SCHERTZ TO AMEND A CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN  
COMAL COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Neighboring System, Landowner, Customer or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The City of Schertz has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20271 for the provision of retail sewer utility service in Comal County, Texas.

The requested area overlaps the district boundaries of the districts listed below:

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If the districts do not request a public hearing, the Commission shall determine that the district is consenting to the City of Schertz's request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 5 mile(s) north-northwest of downtown Schertz, Texas, and is generally bounded on the north by Union Pacific Railroad; on the east by Doerr Lane; on the south by Union Pacific Railroad; and on the west by Cibolo Creek.

The requested area includes approximately 150 acres, comprised of 150 acres of uncertificated area.

The result of the application/petition will be the addition of approximately 150 acres to CCN No. 20271.

**See enclosed map showing the requested area.**

*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.*

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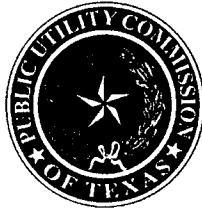
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Si desea información en español, puede llamar al 1-888-782-8477.

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 51801

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OATH

I, \_\_\_\_\_, being duly sworn, file this form as \_\_\_\_\_ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 51801

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_