



Control Number: 51811



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DOCKET NO. 51811

FILED

**PETITION OF THE CITY OF
GEORGETOWN AND JARRELL-
SCHWERTNER WATER SUPPLY
CORPORATION FOR APPROVAL OF A
SERVICE AREA CONTRACT UNDER
TEXAS WATER CODE § 13.248 AND TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
WILLIAMSON COUNTY**

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PUBLIC UTILITY COMMISSION

2021 MAR 25 PM 1:23
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

COMMISSION STAFF'S SUFFICIENCY RECOMMENDATION

On February 11, 2021, the City of Georgetown (Georgetown) and Jarrell-Schwertner Water Supply Corporation (JSWSC) (collectively, the Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the Georgetown's water certificate of convenience and necessity (CCN) number 12369 and JSWSC's water CCN number 10002 in Williamson County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

On March 3, 2021, the administrative law judge (ALJ) filed Order No. 3 requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule by March 25, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE SUFFICIENCY RECOMMENDATION

As outlined in the attached memorandum of Pai Liu of the Infrastructure Division, Staff recommends that the ALJ find the application insufficient. Staff has identified some deficiencies related to the mapping provided by the Petitioners. Therefore, Staff recommends that the Petitioner's application be found deficient.

II. NOTICE SUFFICIENCY RECOMMENDATION

Staff has reviewed the Petitioners' notice and recommends that it be found deficient. The Applicants failed to comply with 16 TAC § 24.253(c)(2). Title 16 TAC § 24.253(c)(2) states: "if the decision to enter into a contract under this section was discussed at a meeting of a city council, a water supply or sewer service corporation's board, district board, county commissioner's court, or other regulatory authority, a copy of the meeting agenda and minutes for the meeting during

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which the item was discussed may be considered sufficient notice.” Georgetown states in the application that there are no current customers in the affected area. As such, Georgetown cannot send individual notice to affected parties to satisfy the notice requirement fulfillment option stated in 16 TAC § 24.253(c)(1). Therefore, the Petitioners must file a copy of the meeting agenda and minutes for the meeting during which the service area contract was discussed for Georgetown. Because the Petitioners did not provide proof of the above, Staff recommends that the ALJ find the Petitioners’ notice deficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the ALJ give the Petitioners until April 23, 2021 to file a copy of the meeting agenda and minutes for the meeting during which the service area contract was discussed for Georgetown. Staff recommends that Staff be given a deadline of May 24, 2021 to make a subsequent recommendation on the sufficiency of the application and notice.

IV. CONCLUSION

Staff respectfully requests an order consistent with the recommendations discussed above.

Dated: March 25, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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/s/ Kourtnee Jinks
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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 March 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks, Attorney
Legal Division

FROM: Pai Liu, Policy Advisor
Infrastructure Division

DATE: March 17, 2021

RE: Docket No. 51811 – *Petition of the City of Georgetown and Jarrell-Schwertner Water Supply Corporation for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend a Certificate of Convenience and Necessity in Williamson County*

On February 11, 2021, the City of Georgetown (Georgetown) and Jarrell-Schwertner Water Supply Corporation (JSWSC) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the Georgetown's water certificate of convenience and necessity (CCN) No. 12369 and JSWSC's water CCN No. 10002 in Williamson County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

The Petitioners filed an agreement requesting that JSWSC be permitted to continue to provide retail water utility service to 14 property owners that are located within Georgetown's water CCN No. 12369.

Specifically, the Georgetown and JSWSC entered into a contractual agreement which permits JSWSC to provide water services within the agreed upon water service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Tracy Montes, Infrastructure Division and my technical review of the additional information filed by the Petitioners on March 2, 2021, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

Mapping Content:

The maps and digital mapping data submitted on February 11 and 25, 2021 are deficient. The general location and detailed maps should clearly identify the requested area. In addition, the maps should state the intent of the petition, which is to transfer a portion of the City of Georgetown's water CCN No. 12369 to JSWSC's water CCN No. 10002. The digital mapping data provided does not match the boundary shown on the general location and the detailed maps filed.

The Petitioners must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Petitioners obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at tracy.montes@puc.texas.gov.