

DOCKET NO. 52126

**APPLICATION OF THE
SAN ANTONIO WATER SYSTEM
AND YANCEY WATER SUPPLY
CORPORATION FOR APPROVAL
OF SERVICE AREA CONTRACT
UNDER TEXAS WATER CODE
§ 13.248 AND TO AMEND
CERTIFICATES OF CONVENIENCE
AND NECESSITY IN MEDINA
COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS OF THE APPLICATION AND PROPOSED NOTICE**

On May 13, 2021, San Antonio Water System (SAWS) and Yancey Water Supply Corporation (Yancey WSC) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248, and to amend SAWS's water certificate of convenience and necessity (CCN) No. 10640 and Yancey WSC's water CCN No. 11463 in Medina County.

On May 14, 2021, the administrative law judge (ALJ) filed Order No. 1 requiring the Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the application and proposed notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that it satisfies the requirements of TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Therefore, Staff recommends that the application be found administratively complete and sufficient for further processing. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE

Notice in this matter is governed by 16 TAC § 24.253(c). Staff has reviewed the application and recommends that the Applicants have satisfied all applicable notice requirements. Staff notes that there are currently no customers in the requested area, and therefore, recommends that 16

TAC § 24.253(c)(1) does not apply. If the decision to enter into the service area contract was discussed at a meeting of the governing body of one or both of the Applicants, then a copy of the meeting agenda and minutes of the meeting can serve as notice.¹

A copy of the meeting agenda and minutes for the applicable Yancey WSC board meeting was filed as notice of the application along with the affidavit of Scooter Mangold, Yancey WSC's General Manager, attesting to the date notice was provided. The Applicants also filed the affidavit of Keith Martin, SAWS' Senior Corporate Counsel, attesting to the fact that the service area contract was not discussed at a meeting of SAWS' board of directors because the authority to approve minor utility service area boundary changes has been delegated to SAWS' President and CEO. Accordingly, Staff recommends that notice is sufficient and that no additional notice be required.

III. PROCEDURAL SCHEDULE

In accordance with Staff's sufficiency recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for intervention	June 14, 2021
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent.	July 19, 2021
Deadline for Applicants to file signed consent forms with the Commission.	August 2, 2021
Deadline for Staff to request a hearing on the merits or to file a final recommendation on the application.	August 9, 2021
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	August 16, 2021

¹ 16 TAC § 24.253(b).

IV. CONCLUSION

Staff recommends that the application and notice be found administratively complete, and that the proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: June 14, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Kevin Bartz
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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 June 14, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Bartz
Kevin Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: June 14, 2021

RE: Docket No. 52126 – *Application of the San Antonio Water System and Yancey Water Supply Corporation for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Medina County*

On May 13, 2021, , San Antonio Water System (SAWS) and Yancey Water Supply Corporation (Yancey WSC) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend SAWS's water certificate of convenience and necessity (CCN) No. 10640 and Yancey WSC's water CCN No. 11463 in Medina County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, SAWS and Yancey WSC entered into a contractual agreement that permits SAWS to provide water services within the agreed upon transfer area from CCN No. 11463 to CCN No. 10640 and Yancey WSC to provide water services within the agreed upon transfer area from CCN No. 10640 to CCN No. 11463. The Applicants will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Gary Horton, Infrastructure Division, it was determined that the requested area includes 0 current customers and approximately 77 acres, comprised of 31 acres of transferred area from CCN No. 11463 to CCN No. 10640 and 46 acres of transferred area from CCN No. 10640 to CCN No. 11463.

Staff has reviewed the mapping information provided and the application submitted by the Applicants. Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information filed by the Applicants, I recommend that the application be deemed administratively complete.