



## **Filing Receipt**

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**Control Number - 54813**

**Item Number - 6**

**DOCKET NO. 54813**

|                                   |          |                                  |
|-----------------------------------|----------|----------------------------------|
| <b>APPLICATION OF THE CITY OF</b> | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>DONNA TO AMEND ITS</b>         | <b>§</b> |                                  |
| <b>CERTIFICATE OF CONVENIENCE</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>AND NECESSITY IN HIDALGO</b>   | <b>§</b> |                                  |
| <b>COUNTY</b>                     | <b>§</b> |                                  |

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On March 31, 2023, the City of Donna (City) filed an application to amend its Certificate of Convenience and Necessity (CCN) in Hidalgo County. City holds water CCN No. 20825.

On May 2, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application, along with a proposed procedural schedule by July 1, 2023<sup>1</sup>. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Chase Lipscomb, Infrastructure Division, recommends that the application continues to be incomplete from a managerial and technical perspective. Staff further recommends that the City be ordered to cure the deficiencies identified Mr. Lipscomb’s memorandum by August 1, 2023 and that Staff be given a deadline of September 5, 2023 to file a supplemental recommendation on the administrative completeness of the application.

Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist the City regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

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<sup>1</sup> July 1, 2023 is a Sunday and therefore a day on which the Commission is closed for business. Accordingly under 16 TAC § 22.4(a) the deadline moves to the next day the Commission is open for business, which is Wednesday, July 5, 2023.

## **II. PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the application be found administratively complete. Staff notes that the City should not issue notice until the application is deemed sufficient.

## **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively incomplete and that the City be ordered to file supplemental information to cure the deficiencies in the application by August 1, 2023 and Staff be given a deadline of September 5, 2023 to provide a supplemental recommendation. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 5, 2023

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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Division Director

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/s/ Kevin Pierce  
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**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on July 5, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce  
Kevin Pierce

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kevin Pierce, Attorney  
Legal Division

**FROM:** Chase Lipscomb, Infrastructure Analyst  
Infrastructure Division

**DATE:** July 1, 2023

**RE:** Docket No. 54813 – *Application of the City of Donna to Amend Its Certificate of Convenience and Necessity in Hidalgo County*

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On March 31, 2023, the City of Donna filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20285 in Hidalgo County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

Based on the mapping review and my technical and managerial review of the additional information filed by the City of Donna on 6/7/2023. I recommend that the application be deemed administratively incomplete and not accepted for filing.

### **Application Content:**

Please provide a copy of your last Comprehensive Compliance Investigation (CCI) report from the Texas Commission on Environmental Quality.

### **Mapping Content:**

The city of Donna did not provide any additional mapping in filing, therefore the maps submitted with Item 1 on March 31, 2023 are still deficient.

The City of Donna 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 a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the City of Donna obtain additional mapping guidance from the PUC's mapping staff, Hank Journey by email at [hank.journey@puc.texas.gov](mailto:hank.journey@puc.texas.gov) to resolve the mapping deficiencies.

Staff will need at least 30 days to review the documentation, maps, and digital data provided by the City of Donna and draft a recommendation.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).