



Filing Receipt

Filing Date - 2023-09-05 01:36:52 PM

Control Number - 54813

Item Number - 9

DOCKET NO. 54813

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
DONNA TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN HIDALGO	§	
COUNTY	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS 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. City filed supplemental information on June 7, 2023, and July 31, 2023.

On July 6, 2023, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the supplemented application, along with a proposed procedural schedule by September 5, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemented application and supplemental information and as detailed in the attached memoranda from Chase Lipscomb, Infrastructure Division, and Fred Bednarski III, Rate Regulation Division, recommends that the supplemented application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that City 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 Mr. Lipscomb. Along with each individual notice, Staff recommends that City provide an accurate map delineating the requested service area. Staff further recommends that City publish notice of the application for two consecutive weeks in a newspaper of general circulation in Hidalgo County.

Once notice has been provided, Staff recommends that City 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. City should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that City use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore propose the following procedural schedule:

Event	Date
Deadline for City to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	October 20, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	October 30, 2023
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that City be directed to provide notice as described in Mr. Lipscomb's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: September 5, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

John York Harrison
Senior Managing Attorney

/s/ Kevin Pierce
Kevin Pierce
State Bar No. 24093879
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3480
(512) 936-7265
(512) 936-7268 (facsimile)
Kevin.Pierce@puc.texas.gov

DOCKET NO. 54813

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 September 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

Memorandum

TO: Kevin Pierce, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: September 5, 2023

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

On March 31, 2023, the City of Donna (Donna) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer CCN No. 20825 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 by Hank Journeay, Infrastructure Division, the revised maps and digital mapping data submitted with Item 8 on July 31, 2023 are sufficient.

The requested area includes 325 customer connections and approximately 81 acres of uncertificated area.

- The application proposes the addition of approximately 81 acres to CCN No. 20825.

Based on the mapping review and my technical and managerial review of the additional information filed by Donna on July 31, 2023, I recommend that the application be deemed administratively complete. I further recommend that Donna 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:
 - *City of Alamo (CCN No. 20461)*
 - *CSWR-Texas Utility Operating Company LLC (CCN No. 21120)*
 - *Donna Irrigation District Hidalgo County 1*
 - *Hidalgo County Drainage District 1*
 - *Hidalgo County Irrigation District 2*

- *North Alamo Water Supply Corporation (WSC) (CCN No. 20645)*
 - *Rio Grande Regional Water Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Hidalgo county Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *None*
 - 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 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 <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 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, Donna 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 maps 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. A copy of the notices (1 example of each type of notice).
 - b. The general location and detailed maps deemed sufficient during administrative review.
 - c. The signed affidavits for published notice and mailed notices.
 - d. A list specifying every person and entity to whom notice was provided.
 - e. If there are multiple landowners provide:
 - i. A list of the applicable county appraisal district parcels located within the requested area. The list should include the following for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area;

1. Each property ID;
 2. Landowner Name;
 3. Address; and
 4. The acreage owned by each listed landowner.
- f. 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 the City of Donna. The city of Donna will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Kevin Pierce, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: September 5, 2023

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

On March 31, 2023, the City of Donna filed an application amend its sewer Certificate of Convenience and Necessity (CCN) No. 20825, in Hidalgo County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 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.

Notice for Publication

**NOTICE OF APPLICATION OF THE CITY OF DONNA TO AMEND ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN
HIDALGO COUNTY, TEXAS**

The City of Donna has filed an application with the Public Utility Commission of Texas to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20825 for the provision of retail sewer utility service in Hidalgo County, Texas.

The requested area overlaps the district boundaries of Donna Irrigation District Hidalgo County 1, Hidalgo County Drainage District 1, and Rio Grande Regional Water Authority. If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the City of Donna's request to provide retail sewer utility service in the requested area.

The requested area includes 325 customer connections, is located approximately 1.2 mile(s) northwest of downtown Donna, Texas, and is generally bounded on the north by County Road 200; on the east by Goolie Road; on the south by Interstate Highway 2; and on the west by Hutto Road.

The requested area includes approximately 81 acres of uncertificated area.

The application proposes the addition of approximately 81 acres to CCN No. 20825.

A copy of the maps showing the requested area are available at: Melden & Hunt, Inc, 115 W McIntyre St, Edinburg, TX 78541

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.

A landowner that opts out from the requested area releases the applicant's obligation to provide retail water or sewer utility service to the removed land for any reason.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 54813

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 _____

Notice to Neighboring Systems, Customers, and Cities

**NOTICE OF APPLICATION OF THE CITY OF DONNATO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN
HIDALGO COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

The City of Donna has filed an application with the Public Utility Commission of Texas to amend its sewer CCN No. 20825 for the provision of retail sewer utility service in Hidalgo County/counties, Texas.

The requested area overlaps the district boundaries of Donna Irrigation District Hidalgo County 1, Hidalgo County Drainage District 1, and Rio Grande Regional Water Authority. If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the City of Donna's request to provide retail sewer utility service in the requested area.

The requested area includes 325 customer connections, is located approximately 1.2 mile(s) northwest of downtown Donna, Texas, and is generally bounded on the north by County Road 200; on the east by Goolie Road; on the south by Interstate Highway 2; and on the west by Hutto Road.

The requested area includes approximately 81 acres of uncertificated area.

The application proposes the addition of approximately 81 acres to CCN No. 20825.

See enclosed maps 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.

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 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.

A landowner that opts out from the requested area releases the applicant's obligation to provide retail water or sewer utility service to the removed land for any reason.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 54813

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual
notice via first-class mail to the following entities, affected parties, and customers (include a list if
more than four):

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 _____

Notice to Landowners

**NOTICE OF APPLICATION OF THE CITY OF DONNA TO AMEND ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN
HIDALGO COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

The City of Donna has filed an application with the Public Utility Commission of Texas to amend its sewer CCN No. 20825 for the provision of retail sewer utility service in Hidalgo County, Texas.

The requested area overlaps the district boundaries of Donna Irrigation District Hidalgo County 1, Hidalgo County Drainage District 1, and Rio Grande Regional Water Authority. If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the City of Donna's request to provide retail sewer utility service in the requested area.

The requested area includes 325 customer connections, is located approximately 1.2 mile(s) northwest of downtown Donna, Texas, and is generally bounded on the north by County Road 200; on the east by Goolie Road; on the south by Interstate Highway 2; and on the west by Hutto Road.

The requested area includes approximately 81 acres of uncertificated area.

The application proposes the addition of approximately 81 acres to CCN No. 20825.

See enclosed maps 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.

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 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.

A landowner that opts out from the requested area releases the applicant's obligation to provide retail water or sewer utility service to the removed land for any reason.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS DOCKET NO. 54813

STATE OF TEXAS

COUNTY OF _____

- _____ has
- ☐ Determined that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area.
- ☐ Provided individual notice via first-class mail to the following landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area:

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 _____

Notice Form Updated: June 9, 2023