



Filing Receipt

Filing Date - 2023-06-26 10:54:05 AM

Control Number - 55045

Item Number - 3

DOCKET NO. 55045

APPLICATION OF CITY OF FORT	§	PUBLIC UTILITY COMMISSION
WORTH TO AMEND A CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	OF TEXAS
AND FOR DUAL CERTIFICATION	§	
WITH THE CITY OF HURST IN	§	
TARRANT COUNTY	§	

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

On May 25, 2023, the City of Fort Worth (Fort Worth) filed an application to amend sewer Certificate of Convenience and Necessity (CCN) No. 12311 and for dual certification with the City of Hurst in Tarrant County.

On May 26, 2023, the administrative law judge (ALJ) filed Order No. 1 directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice and directing the Staff and Fort Worth to file a recommendation regarding how to proceed with the application and propose a procedural schedule by June 26, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum from Jaspinder Singh, Infrastructure Division, recommends that the application is incomplete from a managerial and technical perspective. As detailed in the attached memorandum from Fred Bednarski, Rate Regulation Division, Staff recommends that the application is administratively incomplete from a financial perspective. Staff recommends that Fort Worth be ordered to cure the deficiencies by July 26, 2023, and that Staff be given a deadline of August 25, 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 Fort Worth regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

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 Fort Worth 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 Fort Worth be ordered to file supplemental information to cure the deficiencies in the application by July 26, 2023. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 26, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
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/s/ Margaux Fox
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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 26, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox
Margaux Fox

Public Utility Commission of Texas

Memorandum

TO: Margaux Fox, Attorney
Legal Division

FROM: Jaspinder Singh, Engineering Specialist
Infrastructure Division

DATE: June 26, 2023

RE: Docket No. 55045 – *Application of City of Fort Worth to Amend a Certificate of Convenience and Necessity and for Dual Certification with the City of Hurst in Tarrant County*

On May 25, 2023, City of Fort Worth (Fort Worth) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 in Tarrant County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237. Specifically, Fort Worth is seeking to amend its water CCN No. 12311 and to obtain a dual certification with the City of Hurst (Hurst) CCN No. 10104.

Based on the mapping review and my technical and managerial review of the information filed by Fort Worth on, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

The following deficiencies must be remedied:

- Please provide a signed agreement letter between Hurst (CCN No. 10104) and Fort Worth (CCN No. 12311) for dual certification. The agreement letter should indicate the correct acreage of the requested area that Fort Worth (CCN No. 12311) is seeking dual certification with Hurst (CCN No. 10104).

Mapping Content:

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on May 25, 2023 are deficient.

Fort Worth 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 Fort Worth obtain additional mapping guidance from the PUC's mapping staff, Hank Journey by email at 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 Fort Worth and draft a recommendation.

Public Utility Commission of Texas

Memorandum

TO: Margaux Fox
Legal Division

FROM: Fred Bednarski III
Rate Regulation Division

DATE: June 26, 2023

RE: Docket No. 55045 *Application of City of Fort Worth to Amend a Certificate of Convenience and Necessity and for Dual Certification with the City of Hurst in Tarrant County*

On May 25, 2023, the City of Fort Worth (Fort Worth) filed an application to amend its certificate of convenience and necessity number 12311 and for dual certification with the City of Hurst in Tarrant 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 recommend the application be deemed administratively incomplete, and that Fort Worth be required to provide the following information to cure the deficiencies:

1. A firm capital commitment from the developer indicating the developer agrees to pay for the required capital improvement cost to provide water service to the entire requested area and a detailed capital improvement plan that reconciles to the total required improvement cost to provide water service to the entire requested area, and
2. An electronic copy of Fort Worth's most recent year-end audited financial statements and approved budget.