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DOCKET NO. 55154

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

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

On June 16, 2023, the City of Pharr (Pharr) filed an application to amend its certificate of convenience and necessity (CCN) in Hidalgo County. Pharr holds water CCN No. 20643.

On June 20, 2023, the administrative law judge (ALJ) filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the administrative completeness of the application, proposed notice, along with a proposed procedural schedule by July 17, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division, and Fred Bednarski, III, Rate Regulation Division, recommends that the application is incomplete from a managerial, technical perspective and financial perspective. Staff further recommends that Pharr be ordered to cure the deficiencies identified in Staff's memoranda by August 17, 2023 and that Staff be given a deadline of September 19, 2023 to file a supplemental recommendation on the administrative completeness of the application.

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 Pharr 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 Pharr be ordered to file supplemental information to cure the deficiencies in the application by August 17, 2023 and Staff be given a deadline of September 19,

2023 to provide a supplemental recommendation. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 17, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

/s/ Dylan King
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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 17, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Dylan King
Dylan King

Public Utility Commission of Texas

Memorandum

TO: Dylan King, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: July 17, 2023

RE: Docket No. 55154 – *Application of City of Pharr to Amend Its Certificate of Convenience and Necessity in Hidalgo County*

On June 16, 2023, City of Pharr (Pharr) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20643 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 information filed by Pharr, I recommend that the application be deemed administratively incomplete and not accepted for filing.

Application Content:

Provide proof that a request for the new wastewater permit, if applicable, for an additional facility that will provide sewer service for the requested area has been submitted to the Texas Commission on Environmental Quality (TCEQ).

Mapping Content:

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on June 16, 2023 are deficient. The applicant may need to submit revised maps and digital mapping data for the requested area to resolve the overlaps between the requested area with the corporate boundaries of Edinburg and San Juan.

Pharr must provide clarification stating if Edinburg and San Juan are able to provide retail sewer service:

- 1) The requested area overlaps the corporate boundaries of Edinburg and San Juan. Each city must provide documentation or signed consent allowing the applicant to provide retail sewer service within their corporate boundaries.
 - a) If each city cannot provide retail sewer service, the applicant must provide evidence of this information.

- b) If each city can provide retail sewer service, the applicant must obtain consent from each city allowing them to provide retail sewer service within their corporate boundaries.

If each city can provide retail sewer service and the applicant does not receive consent for the overlap:

- 2) Pharr must submit revised maps and digital mapping data that removes the overlap from their requested area that overlap the corporate boundaries of each city.
 - a) A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
 - b) A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
 - c) 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).
 - d) Digital mapping data for the current corporate boundaries of Edinburg and San Juan each provided 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 Pharr obtain additional mapping guidance from the PUCT's mapping staff, Hank Journey by email at hank.journey@puc.texas.gov to resolve the mapping deficiencies. In addition, the applicant is advised to carefully review the PUCT's CCN Mapping Information webpage at:

<https://www.puc.texas.gov/industry/water/utilities/gis.aspx>

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>).

Public Utility Commission of Texas

Memorandum

TO: Dylan King
Legal Division

FROM: Fred Bednarski III
Rate Regulation Division

DATE: July 17, 2023

RE: Docket No. 55154 *Application of City of Pharr to Amend its Certificate of Convenience and Necessity in Hidalgo County*

On June 16, 2023, the City of Pharr (Pharr) filed an application to amend its sewer Certificate of Convenience and Necessity 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 recommend the application be deemed administratively incomplete, and that Pharr be required to provide the following information to cure the deficiencies:

1. A detailed budget of all costs required to provide sewer service to the entire requested areas and the source of funds to pay for each of the improvements, and
2. A facilities map showing the location of the wastewater treatment facilities, collection systems and connections to serve the requested area per phase and timeline of completion of each phase.