



Control Number: 42923



Item Number: 14

Addendum StartPage: 0

DOCKET NO. 42923

**APPLICATION OF THE CITY OF
EDCOUCH TO OBTAIN A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HIDALGO
COUNTY (37789-C)**

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**PUBLIC UTILITY COMMISSION
OF
TEXAS**

2015 JAN 21 PM 12:02
FILING CLERK

STAFF'S PROPOSED NOTICE OF APPROVAL

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Proposed Notice of Approval and would show the following:

I. BACKGROUND

On June 28, 2013, the City of Edcouch (Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an application to obtain a sewer Certificates of Convenience and Necessity (CCN) in Hildago County, Texas, pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254, 13.301 and 30 TEX. ADMIN. CODE § 291.109.¹ On November 26, 2013, the TCEQ accepted the application for filing, and directed the Applicant to provide the TCEQ revised public notices. On January 27, 2014, the Applicant filed with the TCEQ affidavits that it sent notice to all affected parties on January 24, 2014. On March 6, 2014, the TCEQ informed the Applicant that the application met the criteria of 30 TAC §291.102.² On July 24, 2014, the TCEQ sent Applicant a proposed map for the Applicant to approve by written consent.

Effective September 1, 2014, functions relating to the economic regulation of water utilities transferred from the TCEQ to the Commission.³ The application was received by the Public Utility Commission of Texas (Commission) on September 19, 2014. The Applicant filed with the Commission its signed consent of the proposed map on November 26, 2014. On December 16, 2014, Order No. 3 was issued finding the application sufficient and requiring Staff to file a joint proposed notice of approval, including fact statements, legal conclusions, and ordering paragraphs by January 21, 2015. Therefore, this filing is timely.

¹ Currently P.U.C. SUBST. R. 24.109.

² Currently P.U.C. SUBST. R. 24.102

³ See House Bill (HB) 1600 and Senate Bill (SB) 567, the 83rd Legislature.

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II. PROPOSED NOTICE OF APPROVAL

Pursuant to Order No. 3, Staff recommends approval of the attached Joint Proposed Notice of Approval fully and finally disposing of all issues in this proceeding. The attachment also includes the CCN of Applicant and a map of the CCN service area. Staff is authorized to represent that the East Fork SUD and the City concurs in this proposed order.

III. CONCLUSION


Staff recommends that the petition be approved and that an order be issued in accordance with this filing.

Dated: January 21, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

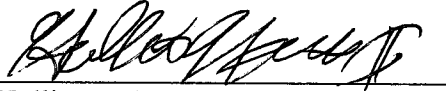


Hollis Henley
Attorney-Legal Division
State Bar No. 24066672
(512) 936-7230
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 42923

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 21, 2015, in accordance with P.U.C. Procedural Rule 22.74.

A handwritten signature in black ink, appearing to read "Hollis Henley", written over a horizontal line.

Hollis Henley

Attachments

Proposed Order, CCN, and Map of Service Area

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**APPLICATION OF THE CITY OF
EDCOUCH TO OBTAIN A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HIDALGO
COUNTY (37789-C)**

**§ PUBLIC UTILITY COMMISSION
§
§ OF
§
§ TEXAS
§**

PROPOSED NOTICE OF APPROVAL

This Order addresses the Application of the City of Edcouch (City) to obtain a new sewer Certificate of Convenience and Necessity (CCN).

This docket was processed in accordance with applicable statutes and Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission of Texas (PUC or Commission) rules. No motions to intervene were filed and no party filed a request for hearing in the docket. There are no contested issues of law or fact in this proceeding. Public Utility Commission of Texas Staff (Staff) recommended approval of the Application. The Application is approved.

The Commission adopts the following fact statements and legal conclusions.

Fact Statements

1. On June 28, 2013, the City filed with the TCEQ an application with the TCEQ to amend its water CCN No. 10885 and wastewater CCN No. 20350 pursuant to TEX. WATER CODE § 13.246 and P.U.C. SUBST. R. 24.105.
2. The Application involves creation of a sewer CCN to for the City provide wastewater service within the incorporated limits of the City of Edcouch.
3. The City is currently providing sewer service to the proposed area.
4. On January 24, 2014, mailed notice was provided to all affected and interested parties.
5. No requests to intervene or requests for hearing were filed in this proceeding, therefore no hearing is necessary.
6. The City and the Commission Staff are the only parties in this proceeding.
7. On September 1, 2014, pursuant to House Bill 1600 and Senate Bill 567 of the 83rd Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred from TCEQ to PUC.
8. The application was received by the PUC on September 19, 2014, and the City's application was assigned Docket No. 42923.
9. On October 8, 2014, Commission Staff transmitted a proposed map of the service area for review and consent.
10. On November 20, 2014, the authorized party for the City signed the document consenting to the map of the proposed service area prepared by Staff.
11. The map described in Findings of Fact 9 and 10, as well as the new sewer CCN for the City, are attached to this Notice.
12. On December 15, 2014, Staff recommended that the Application for the City to obtain a new sewer CCN be approved.

Legal Conclusions

1. The Commission has jurisdiction over these matters pursuant to TEX. WATER CODE §§ 13.041, 13.241, and 13.246.

2. The City operates a municipally owned utility as defined in TEX. WATER CODE 13.002(13)
3. Public notice of the application was provided as required by TEX. WATER CODE § 13.246 and P.U.C. SUBST. R. 24.106.
4. The City has demonstrated that the application meets the requirements set forth in TEX. WATER CODE §§ 13.241, 13.244, and 13.246 and P.U.C. SUBST. R. 24.101, and 24.102, to be granted a sewer CCN.
5. The City has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area in its sewer CCN pursuant to TEX. WATER CODE § 13.241(a) and P.U.C. SUBST. R. 24.102.
6. Pursuant to TEXAS WATER CODE ANN. § 13.246(b) have demonstrated that the certificate transfer requested in this application is necessary for the service, accommodation, convenience, and safety of the public.
7. The requirements for informal disposition pursuant to P.U.C. PROC. R. 22.35 have been met in this proceeding.

Ordering Paragraphs

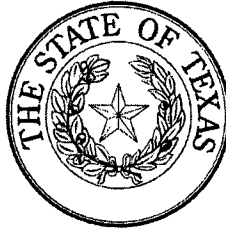
In accordance with these statements of fact and legal conclusions, the Commission issues the following Order.

1. The City's Application is approved.
2. The City is granted sewer CCN No. 21077.
3. The City shall serve every customer and applicant for service within the area certified under the CCN No. 21077, and such service shall be continuous and adequate.
4. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the _____ day of January, 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**



**Public Utility Commission
Of Texas**

By These Presents Be It Known To All That The

City of Edcouch

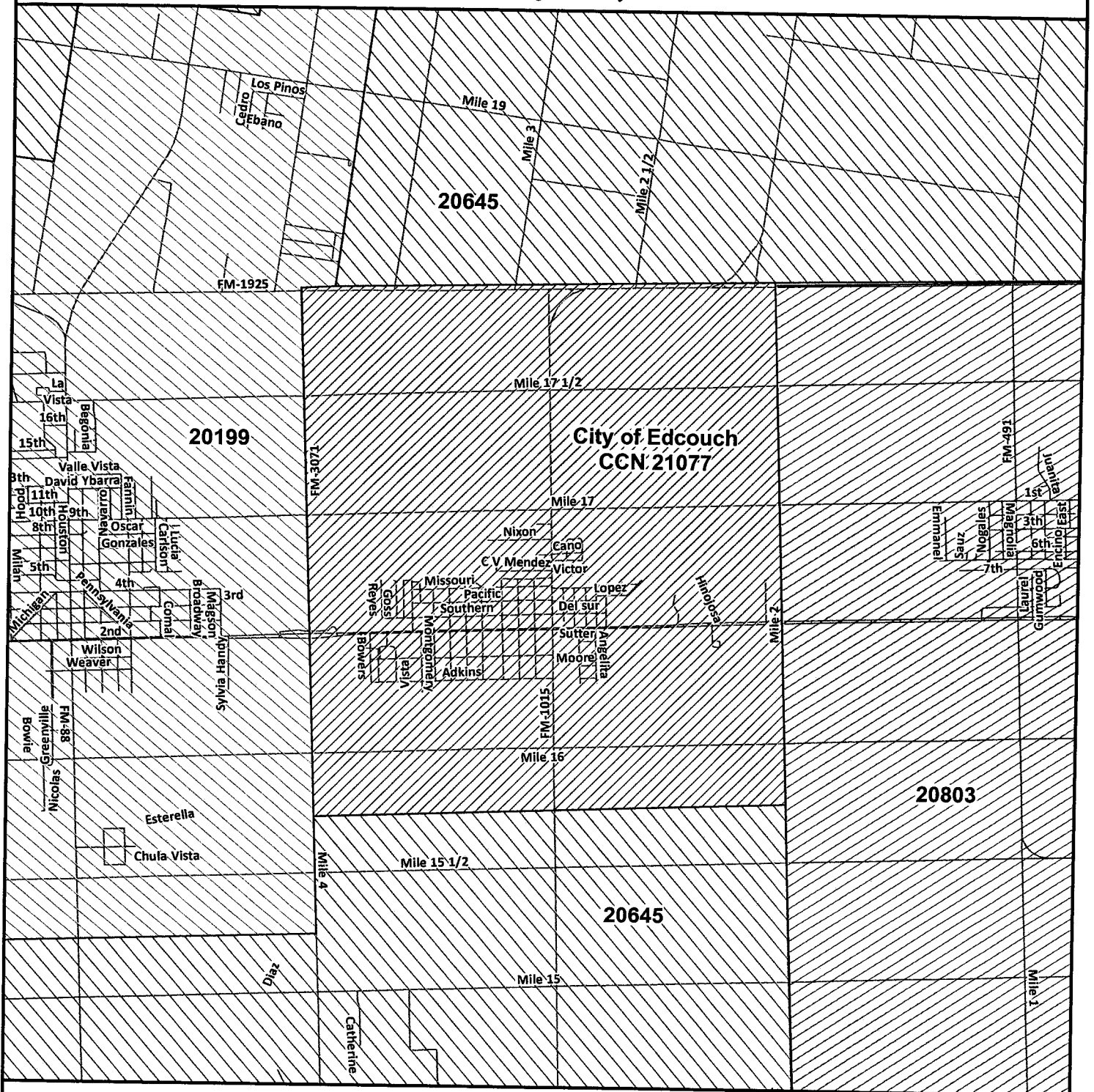
having duly applied for certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

、 Certificate of Convenience and Necessity No. 21077

to provide continuous and adequate sewer utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order resulting from Docket No. 42923 is on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty City of Edcouch, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.





Issued at Austin, Texas, the _____ day of _____ 2014.

City of Edcouch
Sewer Service Area
CCN No. 21077
PUC Docket No. 42923
Hidalgo County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Sewer CCN Service Areas

-  21077 - City of Edcouch
-  20199 - City of Elsa
-  20645 - North Alamo WSC
-  20803 - City of La Villa

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Feet

Map by: Suzanne Jaster
Date created: Oct. 8, 2014
Project path: c:/gis/projects/applications/42923.mxd