

Control Number: 42923



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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
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NOTICE OF APPROVAL

This Notice addresses the application of the City of Edcouch to obtain a new sewer Certificate of Convenience and Necessity (CCN) (Application). Public Utility Commission of Texas (Commission) Staff recommended approval of the Application. The Application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

1. On June 28, 2013, the City of Edcouch filed with the Texas Commission on Environmental Quality (TCEQ) an application to obtain a sewer CCN in Hildago County pursuant to TEX. WATER CODE §§ 13.246(c), 13.254, 13.301 and 30 TEX. ADMIN. CODE 291.109.¹
2. The Application involves the creation of a new sewer CCN to for the City of Edcouch to provide wastewater service within its incorporated limits.
3. The proposed utility service area is located approximately two miles east of downtown Elsa, Texas.
4. The total area being requested includes approximately 719.52 acres and 8,256 current customers within the 78538 zip code.
5. The City of Edcouch is currently providing sewer service to the proposed area.
6. On January 24, 2014, the City of Edcouch mailed notice to all affected and interested parties.

¹ Currently, P.U.C. SUBST. R. 24.109.

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7. No requests to intervene or requests for hearing were filed in this proceeding; therefore, no hearing was necessary.
8. The City of Edcouch and Commission Staff are the only parties in this proceeding.
9. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from TCEQ to the Commission.
10. The Application was received by the Commission on September 19, 2014.
11. On October 8, 2014, Commission Staff transmitted a proposed map of the service area for City of Edcouch's review and consent.
12. On November 20, 2014, the authorized party for the City of Edcouch signed the document consenting to the map of the proposed service area prepared by Commission Staff.
13. The map described in Fact Statement Nos. 11 and 12 is provided with this Notice as Attachment 1 and the City of Edcouch's new sewer CCN No. 21077 is provided with this Notice as Attachment 2.
14. On December 15, 2014, Commission Staff recommended approval of the Application.

II. Conclusions of Law

1. The Commission has jurisdiction over these matters pursuant to TEX. WATER CODE §§ 13.041, 13.241, and 13.246.
2. The City of Edcouch operates a municipally-owned utility as defined in TEX. WATER CODE § 13.002(13).
3. The City of Edcouch provided notice of the Application as required by TEX. WATER CODE § 13.246 and P.U.C. SUBST. R. 24.106.
4. The City of Edcouch 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-.102, to be granted a sewer CCN.

5. The City of Edcouch 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 TEX. WATER CODE § 13.246(b), the City of Edcouch has demonstrated that the certificate 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.

III. Ordering Paragraphs

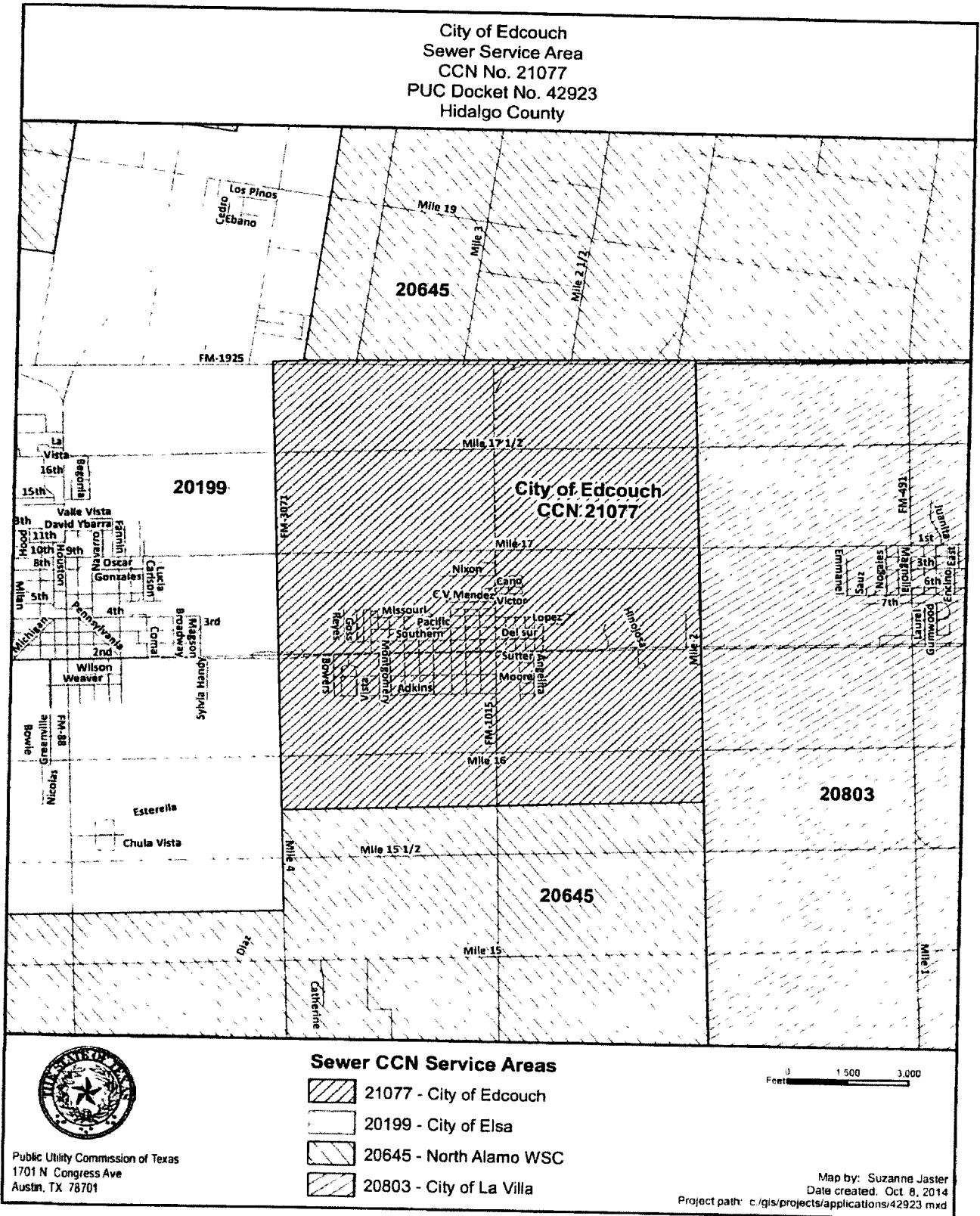
In accordance with these findings of fact and conclusions of law, the Commission issues the following Order.

1. The Application of the City of Edcouch is approved.
2. The City of Edcouch is granted sewer CCN No. 21077.
3. The City of Edcouch shall serve every customer and applicant for service within the area certificated under sewer 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 24th 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

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 or Orders resulting from Docket No. 42923 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the 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, this 27th day of January 2015.