



Control Number: 42931



Item Number: 45

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DOCKET NO. 42931

RECEIVED

APPLICATION OF MANVILLE §
WATER SUPPLY CORPORATION §
AND LAKESIDE WATER CONTROL §
IMPROVEMENT DISTRICT 1 FOR §
APPROVAL OF A SERVICE §
AGREEMENT IN TRAVIS COUNTY §
(37792-C) §

2016 SEP -2 PM 2:05
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**JOINT MOTION TO ADMIT EVIDENCE AND
JOINT PROPOSED NOTICE OF APPROVAL**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, together with Lakeside Water Control Improvement District 1 (Lakeside WCID 1 or Applicant) (collectively, the Parties), and files this Joint Motion to Admit Evidence and Joint Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On November 18, 2013, Lakeside WCID 1 and Manville Water Supply Corporation (Manville WSC) filed a Contract Service Agreement with the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Water Code (TWC), Section § 13.248. On May 22, 2015, Lakeside filed an application to obtain water and sewer Certificates of Convenience and Necessity (CCN) in Travis County. In addition, the application seeks to decertify a portion of Manville WSC's water CCN No. 11444 and to decertify a portion of the City of Pflugerville's sewer CCN No. 20678. On August 19, 2016, Commission Staff filed a Final Recommendation in this docket, recommending that the application be approved.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following into the record evidence of this proceeding:

- (a) Lakeside WCID 1's November 18, 2013 application (Commission automated interchange system [AIS] Item No. 1, entered September 11, 2014);
- (b) Lakeside WCID 1's March 4, 2016 amendment to its application (AIS Item Nos. 27, filed March 4, 2016);
- (c) affidavits of published and mailed notice (AIS Item No. 31, filed April 25, 2016); and

(d) Commission Staff's recommendation that application be approved (AIS Item No. 43, filed August 19, 2016).

III. JOINT MOTION OF APPROVAL

The attached Joint Proposed Notice of Approval would grant Lakeside WCID 1's application to obtain CCN No. 13243 for the water service area and CCN No. 21092 for the sewer service area, both in Travis County, Texas. Also attached are the final maps, consent forms, and certificates that were included in Staff's recommendation on final disposition filed August 19, 2016.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the motion to admit the evidence specified above, and adopt the attached Joint Proposed Notice of Approval.

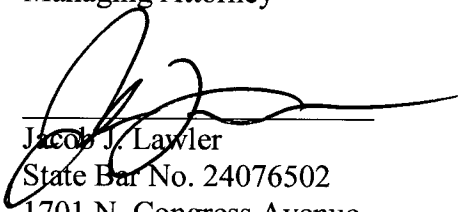
Date: September 2, 2016.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

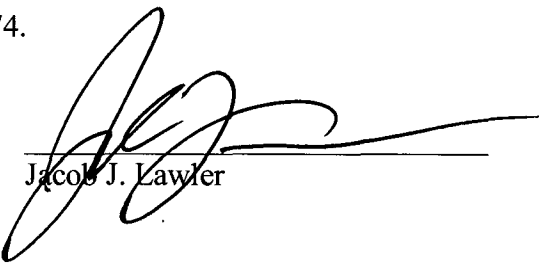
Stephen Mack
Managing Attorney



Jacob J. Lawler
State Bar No. 24076502
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7275
(512) 936-7268 (facsimile)

DOCKET NO. 42931
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 2, 2016, in accordance with 16 TAC § 22.74.



Jacob J. Lawler

DOCKET NO. 42931

APPLICATION OF MANVILLE	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
AND LAKESIDE WATER CONTROL	§	OF TEXAS
IMPROVEMENT DISTRICT 1 FOR	§	
APPROVAL OF A SERVICE	§	
AGREEMENT IN TRAVIS COUNTY	§	
(37792-C)	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Notice of Approval addresses the application (Application) of Lakeside Water Control and Improvement District 1 (Lakeside WCID 1 or Applicant) to obtain CCN No. 13243 for the water service area and CCN No. 21092 for the sewer service area, both in Travis County, Texas. In addition, the Application seeks to decertify a portion of Manville Water Supply Corporation's (Manville WSC's) water CCN No. 11444 and to decertify a portion of the City of Pflugerville's sewer CCN No. 20678. The Public Utility Commission Staff recommended approval of this Application. The Application is approved.

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

I. FINDINGS OF FACT

Procedural History and Background

1. On November 18, 2013, Lakeside WCID 1 and Manville WSC filed a Contract Service Agreement with the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Water Code (TWC), Section § 13.248.
2. On September 1, 2014, the economic regulation of water and wastewater utilities was transferred to the Commission by the act of the Legislature.
3. On November 5, 2014, Order No. 1 was issued addressing water program transfer and procedural matters.
4. On November 5, 2014, Order No. 2 was issued requiring Staff to file comments on the status of this proceeding, a recommendation on the need for a hearing or on final

disposition of the Application, if appropriate, or propose a procedural schedule, if necessary.

5. On December 15, 2014, Staff filed comments on the status of this proceeding and requested an extension of time to file a recommendation on final disposition, request for a hearing on the merits, or propose a procedural schedule.
6. On December 18, 2014, Order No. 3 was issued extending deadlines.
7. On January 23, 2015, Staff filed a response to Order No. 3, recommending that Lakeside WCID 1 supplement and clarify the Application.
8. On January 29, 2015, Order No. 4 was issued establishing revised deadlines and providing Lakeside WCID 1 an opportunity to supplement and clarify the Application.
9. On February 19, 2015, Manville WSC filed a response to Order No. 4, clarifying the Application.
10. On February 23, 2015, Lakeside WCID 1 filed a response to Order No. 4, clarifying the Application.
11. On March 20 and 23, 2015, Staff filed a response to Order No. 4, requesting additional information from Lakeside WCID 1 and proposing a procedural schedule.
12. On May 7, 2015, Order No. 5 was issued requiring Lakeside WCID 1 and Manville WSC to provide additional information regarding the Application.
13. On May 22, 2015, Lakeside WCID 1 filed a response to Order No. 5, amending the Application and providing draft notice.
14. On June 30, 2015, Staff filed a response to Order No. 5, recommending that the Application be found administratively incomplete.
15. On July 10, 2015, Order No. 6 was issued finding the Application to be deficient, establishing revised deadlines, and providing Lakeside WCID 1 an opportunity to cure the deficiencies.
16. On July 31, 2015, Lakeside WCID 1 amended its Application with supplemental materials.

17. On September 1, 2015, Staff filed a response to Order No. 6, recommending that the Application be found administratively incomplete.
18. On September 4, 2015, Order No. 7 was issued finding the Application to be deficient, establishing revised deadlines, and providing Lakeside WCID 1 an opportunity to cure the deficiencies.
19. On October 1, 2015, Lakeside WCID 1 amended its Application with supplemental materials.
20. On November 2, 2015, Staff filed a response to Order No. 7, recommending that the Application be found administratively incomplete.
21. On November 4, 2015, Order No. 8 was issued finding the Application to be deficient, establishing revised deadlines, and providing Lakeside WCID 1 an opportunity to cure the deficiencies.
22. On December 4, 2015, Lakeside WCID 1 amended its Application with supplemental materials.
23. On January 5, 2016, Staff filed a response to Order No. 8, recommending that the Application be found administratively incomplete.
24. On January 6, 2016, Order No. 9 was issued finding the Application to be deficient, establishing revised deadlines, and providing Lakeside WCID 1 an opportunity to cure the deficiencies.
25. On February 5, 2016, Lakeside WCID 1 amended its Application with supplemental materials.
26. On March 4, 2016, Staff filed a request for an extension of time to file its response to Order No. 9.
27. On March 4, 2016, Lakeside WCID 1 amended its Application with supplemental materials.
28. On March 7, 2016, Order No. 10 was issued revising the procedural schedule.
29. On March 24, 2016, Staff filed a response to Order No. 10, recommending that the Application be found administratively complete.

30. On March 28, 2016, Order No. 11 was issued, finding the Application sufficient for filing.
31. On June 7, 2016, Staff filed a response to Order No. 11 proposing an additional procedural schedule.
32. On June 9, 2016, Order No. 12 was issued adopting an additional procedural schedule.
33. Notice was provided by publication in *The Pflugerville Pflag* on April 6 and 13, 2016, and in the *Round Rock Leader* on April 7 and 14, 2016. The Publisher's affidavit dated April 25, 2016, and signed by Alejandro Cado, the legal advertising representative of *The Pflugerville Pflag* and the *Round Rock Leader*, attests to this notice.
34. Lakeside WCID 1 mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on April 13, 2016. An Affidavit that these entities received notice was dated April 19, 2016.
35. On July 22, 2016, Staff filed its Final Recommendation in response to Order No. 12, recommending that the Application be approved.
36. On September 2, 2016, Staff and Lakeside WCID 1 filed a joint proposed motion to admit evidence and joint proposed notice of approval.
37. In Order No. ___, issued on _____, 2016, the administrative law judge admitted the following evidence into the record of this proceeding: (a) Lakeside WCID 1's November 18, 2013 Application (Commission automated interchange system [AIS] Item No. 1, entered September 11, 2014); (b) Lakeside WCID 1's March 4, 2016 amendment to its Application (AIS Item Nos. 27; filed March 4, 2016); (c) affidavits of published and mailed notice (AIS Item No. 31, filed April 25, 2016); and (d) Commission Staff's recommendation that Application be approved (AIS Item No. 43, filed August 19, 2016).

Informal Disposition

38. More than 15 days has passed since completion of the notice provided in this docket effective March 29, 2016.
39. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to TWC §§ 13.041 and 13.241, and 16 Tex. Admin. Code §§ 24.102 (TAC).
2. Lakeside WCID 1 is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(58).
3. Public notice of the Application was provided in compliance with TWC §13.246 and 16 TAC § 24.106.
4. Lakeside WCID 1 has provided evidence that it has adequate financial, managerial and technical capability to provide service to the area subject to the amendment in accordance with 16 TAC § 24.102.
5. Lakeside WCID 1 possess the technical capability to provide continuous and adequate service pursuant to 16 TAC § 24.102.
6. Lakeside WCID 1 has demonstrated that obtaining CCN Nos. 13243 and 21092 is necessary for the service, accommodation, convenience, and safety of the public.
7. The requirements for informal disposition pursuant to 16 TAC § 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. Lakeside WCID 1's Application is approved.
2. Lakeside WCID 1 is hereby granted CCN Nos. 13243 and 21092.
3. Manville WSC's CCN No. 11444 and the City of Pflugerville's CCN No. 20678 are hereby amended.
4. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS ON THE _____ DAY OF _____, 2016.

PUBLIC UTILITY COMMISSION OF TEXAS




ADMINISTRATIVE LAW JUDGE

Lakeside Water Control Improvement District No. 1
 Water Service Area
 CCN No. 13243
 PUC Docket No. 42931
 Obtained New CCN and Decertified a Portion of
 Manville WSC, CCN No. 11144 in Travis County



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

Water CCN Service Areas

-  13243 - Lakeside WCID 1
-  11144 - Manville WSC
-  11303 - City of Pflugerville



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 Feet



Map by: Kristy Nguy
 Date created: August 9, 20
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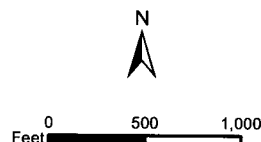
Lakeside Water Control Improvement District No. 1
 Sewer Service Area
 CCN No. 21092
 PUC Docket No. 42931
 Obtained New CCN and Decertified a Portion of
 City of Pflugerville, CCN No. 20678 in Travis County



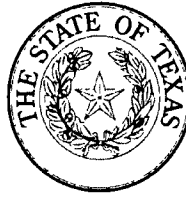
Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Sewer CCN Service Areas

-  21092 - Lakeside WCID 1
-  20678 - City of Pflugerville



Map by: Kristy Nguy
 Date created: August 9, 2020
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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Lakeside Water Control Improvement District 1

having obtained certification to provide water 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, Lakeside Water Control Improvement District 1, is entitled to this

Certificate of Convenience and Necessity No. 13243

to provide continuous and adequate water utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42931 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 Lakeside Water Control Improvement District 1, 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 _____ day of _____ 2016.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Lakeside Water Control Improvement District 1

having obtained 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, Lakeside Water Control Improvement District 1, is entitled to this

Certificate of Convenience and Necessity No. 21092

to provide continuous and adequate sewer utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42931 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 Lakeside Water Control Improvement District 1, 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 _____ day of _____ 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Pflugerville

having obtained 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, City of Pflugerville is entitled to this

Certificate of Convenience and Necessity No. 20678

to provide continuous and adequate sewer utility service to that service area or those service areas in Travis and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42931 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 Pflugerville, 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 _____ 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Manville Water Supply Corporation

having obtained certification to provide water 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, Manville Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11444

to provide continuous and adequate water utility service to that service area or those service areas in Lee, Travis and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42931 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 Manville Water Supply Corporation, 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 _____ day of _____ 2016.

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CONSENT FORM

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PUBLIC UTILITY COMMISSION
FILING CLERK

Applicant's Name. Lakeside Water Control Improvement District 1
Docket No. 42931
CCN Nos. 13243, 21092

☒ I concur with the maps and certificates transmitted by e-mail on August 10, 2016.

I do not concur with the maps and certificates transmitted by e-mail on August 10, 2016.
I understand that I have 10 days from the date of this email to provide my response.

I am authorized by Lakeside Water Control Improvement District 1 to sign this form.

Signature: [Signature]

Printed Name: David K. [unclear]

Relationship to Applicant: General Counsel for [unclear]

Date signed: Aug 17 2016

Please mail the original and 10 copies to:
Public Utility Commission of Texas
Central Records
P.O. Box 13326
Austin, Texas 78711-3326

or for Shipping/Overnight Delivery
Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, Texas 78701

CONSENT FORM

Applicant's Name: City of Pflugerville
Docket No. 42931
CCN Nos. 20678

- ☒ I concur with the map and certificate transmitted by e-mail on **August 10, 2016.**
- ☐ I do not concur with the map and certificate transmitted by e-mail on **August 10, 2016.** I understand that I have 10 days from the date of this email to provide my response.

I am authorized by City of Pflugerville to sign this form.

Signature: George E Hyde

Printed Name: George E. Hyde

Relationship to Applicant: Attorney

Date signed: August 19, 2016

Please mail the original and 10 copies to:
Public Utility Commission of Texas
Central Records
P.O. Box 13326
Austin, Texas 78711-3326

or for Shipping/Overnight Delivery:
Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, Texas 78701

CONSENT FORM

Applicant's Name: Manville WSC
Docket No. 42931
CCN Nos. 11144

- ☒ I concur with the map and certificate transmitted by e-mail on August 10, 2016.
- ☐ I do not concur with the map and certificate transmitted by e-mail on August 10, 2016. I understand that I have 10 days from the date of this email to provide my response.

I am authorized by Manville WSC to sign this form.

Signature: Karl Mueller

Printed Name: Karl Mueller

Relationship to Applicant: Attorney/General Counsel

Date signed: Aug. 17 16

Please mail the original and 10 copies to:
Public Utility Commission of Texas
Central Records
P.O. Box 13326
Austin, Texas 78711-3326

or for Shipping/Overnight Delivery:
Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, Texas 78701