



Control Number: 42931



Item Number: 47

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

PUBLIC UTILITY COMMISSION

2016 OCT 10 PM 1:44

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

**SUPPLEMENTED JOINT MOTION TO ADMIT EVIDENCE AND
 AMENDED 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 Supplemented Joint Motion to Admit Evidence and Amended Joint Proposed Notice of Approval in response to Order No. 13. In support thereof, the Parties show the following:

I. JOINT MOTION TO ADMIT EVIDENCE

In their initial Motion to Admit Evidence, the Parties attempted to identify—and move to admit—only the essential elements necessary to create a sufficient evidentiary record. Out of an abundance of caution, however, the Parties support the ALJ admitting all amendments to the application and discovery responses into the evidentiary record. Accordingly, 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) Manville Water Supply Corporation's Response to Order No. 4 Requiring Supplemental Information (AIS Item No. 8, filed February 19, 2015);
- (c) Lakeside WCID 1's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015);
- (d) Lakeside WCID 1's Certificate of Convenience and Necessity (CCN) application filed in response to Order No. 5 (AIS Item No. 13, filed May 22, 2015);

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- (e) Lakeside WCID 1's supplemental information to its application (AIS Item Nos. 16,19, 22, 25 and 27, filed July 31, 2015, October 1, 2015, December 4, 2015, February 5, 2016, and March 4, 2016, respectively);
- (f) Affidavits of published and mailed notice (AIS Item No. 31, filed April 25, 2016);
- (g) Lakeside WCID 1's Response to Staff's First Request for Information (AIS Item No. 33, filed March 23, 2016);
- (h) Lakeside WCID 1's Response to Staff's Second Request for Information (AIS Item No. 38, filed June 21, 2016);
- (i) Lakeside WCID 1's Response to Staff's Third Request for Information (AIS Item No. 39, filed June 29, 2016);
- (j) Commission Staff's recommendation that application be approved (AIS Item No. 43, filed August 19, 2016).
- (k) Lakeside WCID 1's consent form (AIS Item No. 42, filed August 17, 2016); and
- (l) Manville Water Supply Corporation's consent form (AIS Item No. 44, filed August 22, 2016).

II. CONCLUSION

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

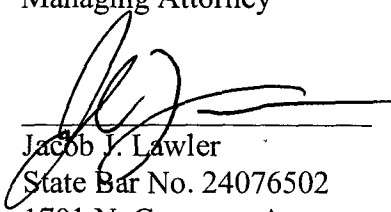
Date: October 10, 2016.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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**DOCKET NO. 42931
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 10, 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)	§	

AMENDED JOINT PROPOSED NOTICE OF APPROVAL

This Amended 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 motion to admit evidence and joint proposed notice of approval.
37. On September 29, 2016, Order No. 13 was issued requiring clarification.
38. On October 10, 2016, Staff and Lakeside WCID 1 filed a supplemental joint motion to admit evidence and amended joint proposed notice of approval.
39. 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) Manville Water Supply Corporation's Response to Order No. 4- Requiring Supplemental Information (AIS Item No. 8, filed February 19, 2015); (c) Lakeside WCID 1's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015); (d) Lakeside WCID 1's Certificate of Convenience and Necessity (CCN) application filed in response to Order No. 5 (AIS Item No. 13, filed May 22, 2015); (e) Lakeside WCID 1's supplemental information to its application (AIS Item Nos. 16, 19, 22, 25 and 27, filed

July 31, 2015, October 1, 2015, December 4, 2015, February 5, 2016, and March 4, 2016, respectively); (f) Affidavits of published and mailed notice (AIS Item No. 31, filed April 25, 2016); (g) Lakeside WCID 1's Response to Staff's First Request for Information (AIS Item No. 33, filed March 23, 2016); (h) Lakeside WCID 1's Response to Staff's Second Request for Information (AIS Item No. 38, filed June 21, 2016); (i) Lakeside WCID 1's Response to Staff's Third Request for Information (AIS Item No. 39, filed June 29, 2016); (j) Commission Staff's recommendation that application be approved (AIS Item No. 43, filed August 19, 2016); (k) Lakeside WCID 1's consent form (AIS Item No. 42, filed August 17, 2016); and (l) Manville Water Supply Corporation's consent form (AIS Item No. 44, filed August 22, 2016).

Informal Disposition

40. More than 15 days has passed since completion of the notice provided in this docket effective March 29, 2016.
41. 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