



Control Number: 42931



Item Number: 49

Addendum StartPage: 0

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

2016 OCT 12 PM 3:45
 PUBLIC UTILITY COMMISSION
 OF TEXAS
 PUBLIC UTILITY COMMISSION
 CLERK

NOTICE OF APPROVAL

This Notice addresses the amended application of Lakeside Water Control and Improvement District 1 (Lakeside WCID #1) and Manville Water Supply Corporation for approval of a contract service agreement (CSA) in Travis County. Commission Staff recommended approval of the application, as amended. The application, as amended, 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 requested approval of a CSA by the Texas Commission on Environmental Quality (TCEQ).
2. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission. This application once pending at TCEQ is now before the Commission for consideration.
3. The application was clarified and/or amended on February 19, 2015, February 23, 2015, May 22, 2015, July 31, 2015, October 1, 2015, December 4, 2015, February 5, 2016, and March 4, 2016.
4. Approval of the application, as amended, would result in Lakeside WCID #1 being granted water and sewer certificates of convenience and necessity (CCNs) in Travis County; and the same service area being transferred from and/or decertified from the water and sewer CCN service areas of Manville and the City of Pflugerville, respectively.

5. On March 28, 2016, Order No. 11 was issued deeming the application, as amended, administratively complete, addressing notice, requiring consent from Pflugerville to decertification of portions of its service area, and establishing a procedural schedule.
6. On May 23, 2016, Pflugerville's signed consent to decertification of the portions of its sewer CCN that overlap with the District was provided.¹
7. On August 17, 2016, Lakeside WCID #1 submitted a signed consent form evidencing agreement with the revised water and sewer maps and certificates, as prepared by Commission Staff
8. On August 19, 2016, Commission Staff recommended approval of the application, as amended, and provided copies of the revised water and sewer service area maps and certificates for Lakeside WCID #1, Manville and Pflugerville, and consents thereto.²
9. On August 22, 2016, Manville submitted a signed consent form evidencing agreement with the revised water and sewer maps and certificates, as prepared by Commission Staff
10. The revised maps and certificates discussed in Findings of Fact No. 7, 8, and 9 are attached to this Notice.
11. On September 2, 2016, Commission Staff and Lakeside WCID #1 filed a joint proposed motion to admit evidence and joint proposed notice of approval.
12. On October 10, 2016, Commission Staff and Lakeside WCID #1 filed a supplemented joint motion to admit evidence and amended joint proposed notice of approval.
13. On October 12, 2016, Order No. 14 was issued admitting evidence into the record.

Notice

14. 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.

¹ Lakeside Water Control and Improvement District No. 1's Response to Commission Staff's First Request for Information Question Nos. Staff 1-1 through Staff 1-9 at 18-20, Attachment 4 (May 23, 2016).

² Note: Pflugerville did not separately file its signed consent to the revised sewer maps and certificates, as prepared by Commission Staff.

15. On April 13, 2016, Lakeside WCID #1 mailed notice of the application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties.
16. On April 21, 2016, Lakeside WCID #1 resent mailed notice to the Northeast Travis County Utility District because the mailed notice sent on April 13, 2016 was returned as undeliverable.
17. On April 25, 2016, Lakeside WCID #1 filed affidavits attesting to mailed and published notice, including copies of individual notices.

Description of the Application

18. Lakeside WCID #1 seeks to obtain water and sewer CCNs for approximately 166 acres in Travis County and to have the requested water and sewer service areas transferred or decertified from Manville's water CCN No. 11444 and Pflugerville's sewer CCN No. 20678.
19. There are approximately 563 current water customers and 559 current sewer customers in the requested service area.
20. Lakeside WCID #1 is currently and will continue to be the provider of retail water and sewer service in the requested service area.
21. Manville provides and will continue to provide wholesale water service to Lakeside WCID #1.
22. Pflugerville provides and will continue to provide wholesale wastewater service to Lakeside WCID #1.³
23. Pflugerville operates and maintains Lakeside WCID #1's water and sewer systems and provides customer services to Lakeside WCID #1's water and sewer customers pursuant to a Professional Services Agreement.

Informal Disposition

24. The only parties to this proceeding are Commission Staff, Manville and Lakeside WCID #1.

³ Lakeside Water Control and Improvement District No. 1's Response to Order No. 5, Attachment A (May 22, 2015) (providing supplemental application requesting new water and sewer CCNs for Lakeside).

25. More than 15 days has passed since completion of the notice.
26. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.
27. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041 and 13.241(TWC).
2. Lakeside WCID #1 and Manville are retail public utilities as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(58) (TAC).
3. Public notice of the application was provided in compliance with TWC §13.246 and 16 TAC § 24.106.
4. After considering the factors in TWC § 13.246(c), Lakeside WCID #1 has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the requested water and sewer service areas, as required by TWC § 13.241.
5. The application, as amended, meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-24.102 and 24.104-24.106.
6. Lakeside WCID #1 and Manville are entitled to approval of the application, as amended, having demonstrated that new water and sewer CCNs for Lakeside WCID #1 and partial decertification of Manville's water CCN and Pflugerville's sewer CCN, as requested in this application, are necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Lakeside WCID #1, Manville and Pflugerville are each required to record a certified copy of their respective approved CCN and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.

8. 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. The application, as amended, is approved.
2. Lakeside WCID #1 is granted water CCN No. 13243 in Travis County, consistent with this Notice.
3. Lakeside WCID #1 shall serve every water customer and applicant for water service within the areas certified under CCN No. 13243, and such service shall be continuous and adequate.
4. Lakeside WCID #1 is granted sewer CCN No. 21092 in Travis County, consistent with this Notice.
5. Lakeside WCID #1 shall serve every customer and applicant for sewer service within the areas certified under CCN No. 21092, and such service shall be continuous and adequate.
6. Manville's water CCN No. 11444 is amended, consistent with this Notice.
7. Manville shall continue serve every customer and applicant for water service within the areas certified under CCN No. 11444, and such service shall be continuous and adequate.
8. Pflugerville's sewer CCN No. 20678 is amended, consistent with this Notice.
9. Pflugerville shall continue serve every customer and applicant for sewer service within the areas certified under CCN No. 20678, and such service shall be continuous and adequate.
10. Lakeside WCID #1, Manville and Pflugerville shall comply with the recording requirements in TWC § 13.257(r) for the area in Travis County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.

11. 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 12th day of October 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE

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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 12th day of October 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 12th day of October 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

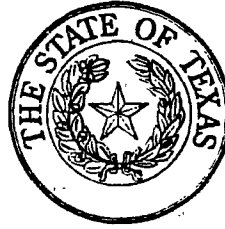
Manville Water Supply Corporation

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 12th day of October 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.

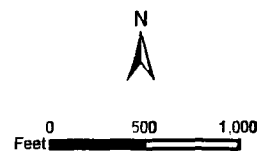
Issued at Austin, Texas, the 12th day of October 2016.

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

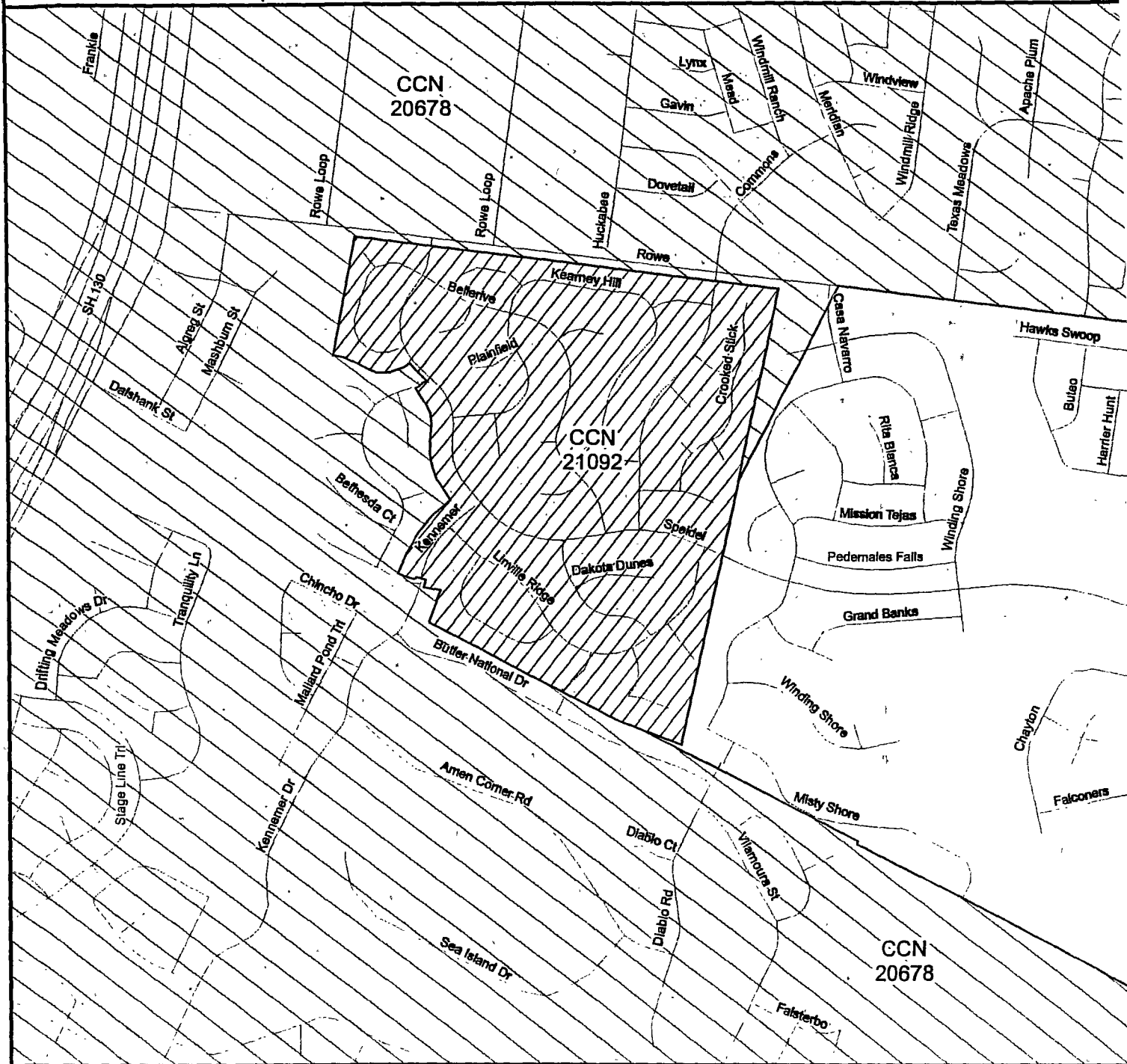


Water CCN Service Areas



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



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



Sewer CCN Service Areas

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



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