



Control Number: 42932



Item Number: 55

Addendum StartPage: 0

APPLICATION OF MANVILLE §  
WATER SUPPLY CORPORATION §  
AND LAKESIDE WATER CONTROL §  
IMPROVEMENT DISTRICT 2A FOR §  
APPROVAL OF A SERVICE §  
AGREEMENT IN TRAVIS COUNTY §  
(37793-C) §

PUBLIC UTILITY COMMISSION 4:48  
OF TEXAS PUBLIC UTILITY COMMISSION  
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 2A (Lakeside WCID 2A 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 2A 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 October 14, 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 2A'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 2A's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015);
- (d) Lakeside WCID 2A'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 2A's supplemental information to its application (AIS Item Nos. 16 and 19, filed July 31, 2015 and October 1, 2015, respectively);
- (f) Affidavits of published and mailed notice and verification of supplemental notices (AIS Item Nos. 22 and 25, filed December 7, 2015 and December 29, 2015, respectively);
- (g) Lakeside WCID 2A's Response to Staff's First Request for Information (AIS Item No. 30, filed February 25, 2016);
- (h) Lakeside WCID 2A's Response and Supplemental Response to Staff's Second Request for Information (AIS Item Nos. 35 and 37, filed May 10, 2016 and May 18, 2016, respectively);
- (i) Lakeside WCID 2A's Response to Staff's Third Request for Information (AIS Item No. 38, filed June 6, 2016);
- (j) Lakeside WCID 2A's Response to Staff's Fourth Request for Information (AIS Item No. 42, filed July 5, 2016);
- (k) Lakeside WCID 2A's supplemental information to its application (AIS Item Nos. 43 and 44, filed August 11, 2016 and August 29, 2016, respectively);
- (l) Consent letter from Upper Brushy Creek WCID (AIS Item No. 48, filed September 28, 2016);
- (m) Lakeside WCID 2A's consent form (AIS Item No. 51, filed October 13, 2016);
- (n) Manville Water Supply Corporation's consent form (AIS Item No. 52, filed October 17, 2016);
- (o) City of Pflugerville's consent form (AIS Item No. 53, filed October 18, 2016);  
and

- (p) Commission Staff's final recommendation (AIS Item No. 54, filed October 20, 2016).

### **III. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would grant Lakeside WCID 2A's application to obtain CCN No. 13249 for the water service area and CCN No. 21095 for the sewer service area, both in Travis County, Texas. Also attached are the final maps, certificates, and consent forms that were included in Staff's recommendation on final disposition filed October 20, 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.

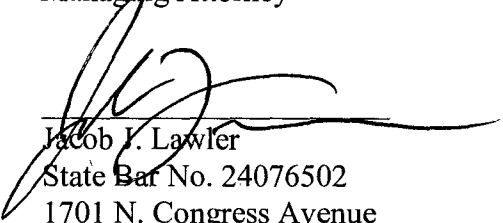
**Date: October 25, 2016.**

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

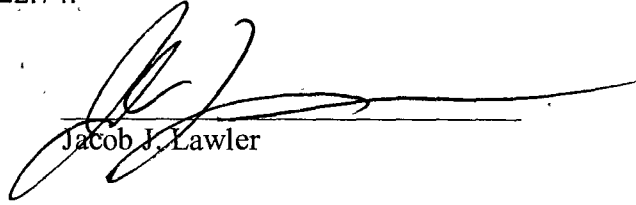
Stephen Mack  
Managing Attorney



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. 42932**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 25, 2016, in accordance with 16 TAC § 22.74.



Jacob J. Lawler

**DOCKET NO. 42932**

<b>APPLICATION OF MANVILLE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER SUPPLY CORPORATION</b>	<b>§</b>	
<b>AND LAKESIDE WATER CONTROL</b>	<b>§</b>	<b>OF TEXAS</b>
<b>IMPROVEMENT DISTRICT 2A FOR</b>	<b>§</b>	
<b>APPROVAL OF A SERVICE</b>	<b>§</b>	
<b>AGREEMENT IN TRAVIS COUNTY</b>	<b>§</b>	
<b>(37792-C)</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Notice of Approval addresses the application (Application) of Lakeside Water Control and Improvement District 1 (Lakeside WCID 2A or Applicant) to obtain CCN No. 13249 for the water service area and CCN No. 21095 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 2A 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 2A supplement and clarify the Application.
8. On January 29, 2015, Order No. 4 was issued establishing revised deadlines and providing Lakeside WCID 2A 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 2A 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 2A and proposing a procedural schedule.
12. On May 7, 2015, Order No. 5 was issued requiring Lakeside WCID 2A and Manville WSC to provide additional information regarding the Application.
13. On May 22, 2015, Lakeside WCID 2A 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 2A an opportunity to cure the deficiencies.

16. On July 31, 2015, Lakeside WCID 2A 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 2A an opportunity to cure the deficiencies.
19. On October 1, 2015, Lakeside WCID 2A 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 complete.
21. On November 4, 2015, Order No. 8 was issued, finding the Application sufficient for filing.
22. On December 17, 2015, Staff filed a response to Order No. 8, recommending additional notice and proposing an additional procedural schedule.
23. On December 18, 2015, Order No. 9 was issued, requiring additional notice and adopting an additional procedural schedule.
24. Notice was provided by publication in *The Pflugerville Pflag* on November 18 and 25, 2015. The Publisher's affidavit dated December 7, 2015, and signed by James Mickler, the legal advertising agent of *The Pflugerville Pflag*, attests to this notice.
25. Lakeside WCID 2A mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on November 18 and December 17, 2015. Affidavits that these entities received notice were dated December 7 and December 18, 2015.



26. Order Nos. 10, 11, 12, 13, 14 and 15, issued January 26, February 26, April 25, June 27, September 26, and October 5, 2016, respectively, revised the procedural schedule.
27. On October 20, 2016, Staff filed its Final Recommendation in response to Order No. 15, recommending that the Application be approved.
28. On October 25, 2016, Staff and Lakeside WCID 2A filed a joint proposed motion to admit evidence and joint proposed notice of approval.
29. In Order No. \_\_\_\_, issued on \_\_\_\_\_, 2016, the administrative law judge admitted the following evidence into the record of this proceeding: (a) Lakeside WCID 2A'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 2A's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015); (d) Lakeside WCID 2A'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 2A's supplemental information to its application (AIS Item Nos. 16 and 19, filed July 31, 2015 and October 1, 2015, respectively); (f) Affidavits of published and mailed notice and verification of supplemental notices (AIS Item Nos. 22 and 25, filed December 7, 2015 and December 29, 2015, respectively); (g) Lakeside WCID 2A's Response to Staff's First Request for Information (AIS Item No. 30, filed February 25, 2016); (h) Lakeside WCID 2A's Response and Supplemental Response to Staff's Second Request for Information (AIS Item Nos. 35 and 37, filed May 10, 2016 and May 18, 2016, respectively); (i) Lakeside WCID 2A's Response to Staff's Third Request for Information (AIS Item No. 38, filed June 6, 2016); (j) Lakeside WCID 2A's Response to Staff's Fourth Request for Information (AIS Item No. 42, filed July 5, 2016); (k) Lakeside WCID 2A's supplemental information to its application (AIS Item Nos. 43 and 44, filed August 11, 2016 and August 29, 2016, respectively); (l) Consent letter from Upper Brushy Creek WCID (AIS Item No. 48, filed September 28, 2016); (m) Lakeside WCID 2A's consent form (AIS Item No. 51, filed October 13, 2016); (n) Manville Water Supply

Corporation's consent form (AIS Item No. 52, filed October 17, 2016); (o) City of Pflugerville's consent form (AIS Item No. 53, filed October 18, 2016); and (p) Commission Staff's final recommendation (AIS Item No. 54, filed October 20, 2016).

**Informal Disposition**

30. More than 15 days has passed since completion of the notice provided in this docket effective December 17, 2015.
31. 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 2A 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 2A 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 2A possess the technical capability to provide continuous and adequate service pursuant to 16 TAC § 24.102.
6. Lakeside WCID 2A has demonstrated that obtaining CCN Nos. 13249 and 21095 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 2A's Application is approved.
2. Lakeside WCID 2A is hereby granted CCN Nos. 13249 and 21095.
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.

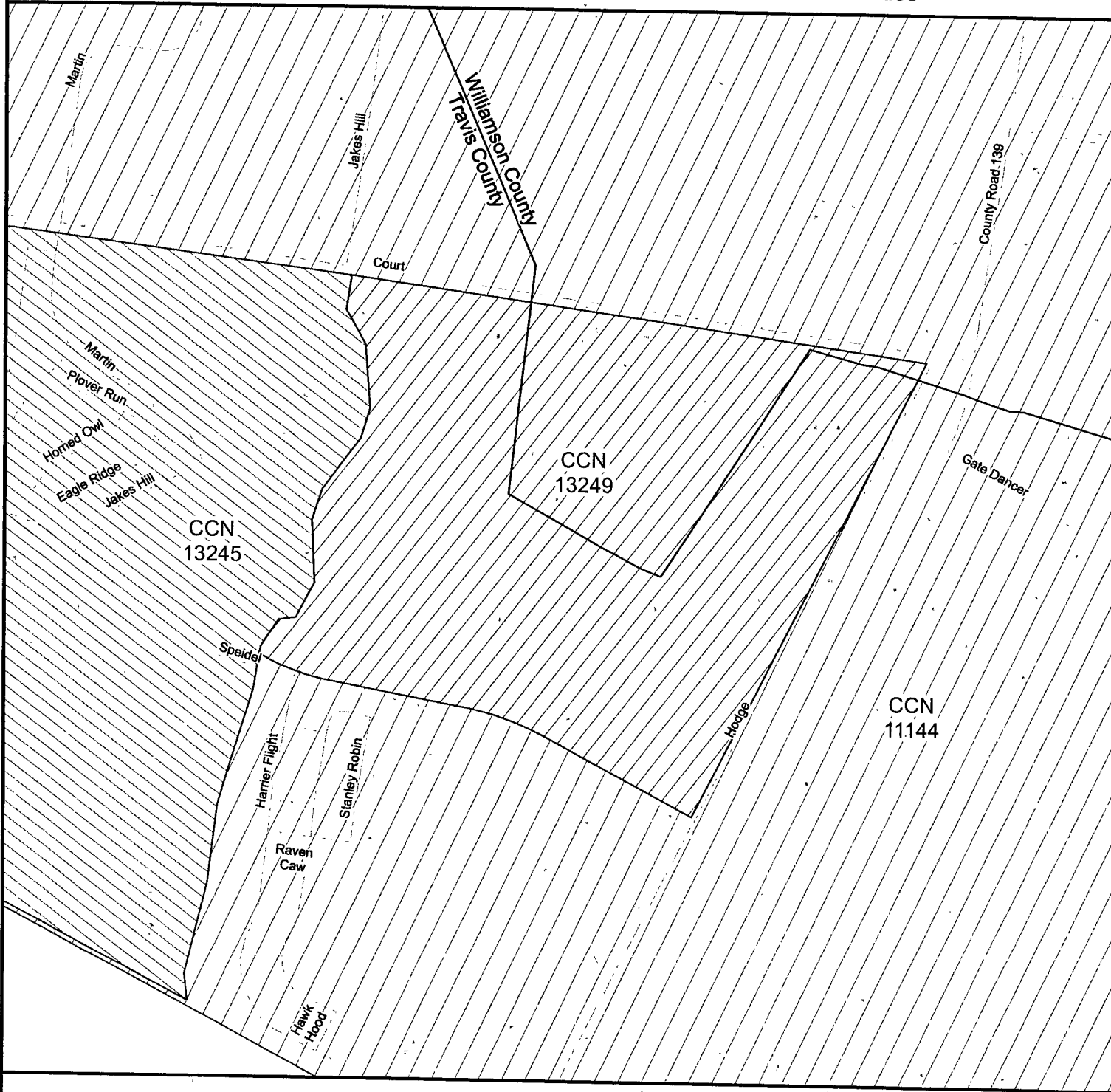
SIGNED AT AUSTIN, TEXAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**

Lakeside Water Control Improvement District 2A  
 Water Service Area  
 CCN No. 13249  
 PUC Docket No. 42932  
 Obtained New CCN and Decertified a Portion of  
 Manville WSC, CCN No. 11144 in Travis and Williamson Counties



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

**Water CCN Service Areas**

-  13249 - Lakeside WCID 2A
-  13245 - Lakeside WCID 2C
-  11144 - Manville WSC







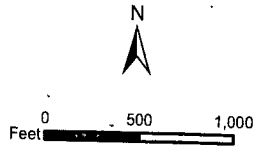
Lakeside Water Control Improvement District 2A  
 Sewer Service Area  
 CCN No. 21095  
 PUC Docket No. 42932  
 Obtained New CCN and Decertified a Portion of  
 City of Pflugerville, CCN No. 20678 in Travis and Williamson Counties



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

**Sewer CCN Service Areas**

-  21095 - Lakeside WCID 2A
-  21094 - Lakeside WCID 2C
-  20678 - City of Pflugerville
-  20122 - City of Hutto





# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

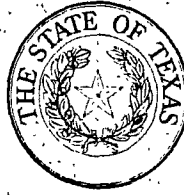
**City of Pflugerville**

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. 42932 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**

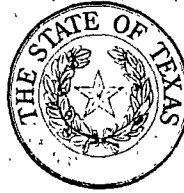
**Manville Water Supply Corporation**

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. 42932 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.



# **Public Utility Commission Of Texas**

**By These Presents Be It Known To All That**

## **Lakeside Water Control Improvement District 2A**

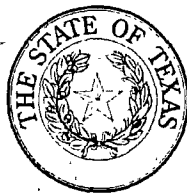
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Lakeside Water Control Improvement District 2A is entitled to this

### **Certificate of Convenience and Necessity No. 13249**

to provide continuous and adequate water 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. 42932 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 2A 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 2A**

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 2A is entitled to this

### **Certificate of Convenience and Necessity No. 21095**

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. 42932 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 2A 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.

RECEIVED

2016 OCT 13 AM 10:44

CONSENT FORM

PUBLIC UTILITY COMMISSION  
FILING CLERK

Docket No. 42932: Application of Manville Water Supply Corporation and Lakeside Water Control and Improvement District 2A for Approval of a Service Agreement in Travis, County (37793-C)

(Please mark the appropriate box below.)

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

I do not concur with the maps and certificates transmitted by e-mail on October 10, 2016.

I understand that I have 7 days from the date of this email to provide my response.

I am authorized by Lakeside Water Control Improvement District 2A to sign this form.

Signature: 

Printed Name: Davis Klein, General Counsel

Relationship to Applicant: General Counsel

Date signed: October 13, 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

RECEIVED

2016 OCT 17

CONSENT FORM

PUBLIC UTILITY  
COMMISSION  
FILING CLERK

Docket No. 42932: Application of Manville Water Supply Corporation and Lakeside Water Control and Improvement District 2A for Approval of a Service Agreement in Travis, County (37793-C)

(Please mark the appropriate box below.)

I concur with the map decertifying a portion of Manville WSC's CCN No 11444 and certificate transmitted by e-mail on October 10, 2016.

I do not concur with the map decertifying a portion of Manville WSC's CCN No 11444 and certificate transmitted by e-mail on October 10, 2016.

I understand that I have 7 days from the date of this email to provide my response.

I am authorized by Manville WSC to sign this form.

Signature: Karl Moeller

Printed Name: Karl Moeller

Relationship to Applicant: Atty for Manville WSC

Date signed: Oct 13 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**

**Docket No. 42932:** *Application of Manville Water Supply Corporation and Lakeside Water Control and Improvement District 2A for Approval of a Service Agreement in Travis, County (37793-C)*

(Please mark the appropriate box below.)

- I concur with the map decertifying a portion of the City of Pflugerville's CCN No 20678 and certificate transmitted by e-mail on **October 10, 2016.**
- I do not concur with the map decertifying a portion of the City of Pflugerville's CCN No 20678 and certificate transmitted by e-mail on **October 10, 2016.**

I understand that I have 7 days from the date of this email to provide my response.

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

Signature:

George E Hyde

Printed Name: George E. Hyde

Relationship to Applicant: City attorney for adjacent water utility

Date signed: October 16, 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

PUBLIC UTILITY COMMISSION  
FILING CLERK

2016 OCT 18 AM 9:02

RECEIVED

15