



Control Number: 42934



Item Number: 51

Addendum StartPage: 0

RECEIVED

APPLICATION OF MANVILLE §  
 WATER SUPPLY CORPORATION §  
 AND LAKESIDE WATER CONTROL §  
 IMPROVEMENT DISTRICT 2C FOR §  
 APPROVAL OF A SERVICE §  
 AGREEMENT IN TRAVIS COUNTY §  
 (37792-C) §

PUBLIC UTILITY COMMISSION  
 OF TEXAS  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK  
 2016 OCT 18 PM 1:57

### 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 2C (Lakeside WCID 2C 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 2C 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. 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 2C'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 2C's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015);
- (d) Lakeside WCID 2C'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 2C's supplemental information to its application (AIS Item Nos. 16, 19, 22, 25, and 28, filed July 31, 2015, October 1, 2015, December 4, 2015, February 9, 2016, and March 16, 2016, respectively);
- (f) Lakeside WCID 2C's filing providing written consent from the City of Pflugerville (AIS Item No. 33, filed May 18, 2016);
- (g) Affidavits of published and mailed notice (AIS Item No. 34, filed May 20, 2016);
- (h) Lakeside WCID 2C's supplement to its application (AIS Item No. 35, filed May 25, 2016);
- (i) Lakeside WCID 2C's Response to Staff's First RFI (AIS Item No. 40, filed June 21, 2016);
- (j) Lakeside WCID 2C's Response to Staff's Second RFI (AIS Item No. 41, filed June 30, 2016);
- (k) Lakeside WCID 2C's Response to Staff's Third RFI (AIS Item No. 43, filed July 6, 2016);
- (l) Lakeside WCID 2C's supplements to its application (AIS Item No. 45, filed August 29, 2016);
- (m) Lakeside WCID 2C's consent form (AIS Item No. 48, filed October 7, 2016);
- (n) Manville Water Supply Corporation's consent form (AIS Item No. 49, filed October 10, 2016); and
- (o) Commission Staff's recommendation that application be approved (AIS Item No. 50; filed October 14, 2016).

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

The attached Joint Proposed Notice of Approval would grant Lakeside WCID 2C's application to obtain CCN No. 13245 for the water service area and CCN No. 21094 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 14, 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.

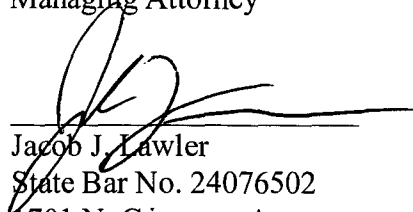
**Date: October 14, 2016.**

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. 42934 CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 14, 2016, in accordance with 16 TAC § 22.74.



Jacob J. Lawler

**DOCKET NO. 42934**

|                                    |          |                                  |
|------------------------------------|----------|----------------------------------|
| <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 2C 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 2C or Applicant) to obtain CCN No. 13244 for the water service area and CCN No. 21093 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. 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 2C 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 2C supplement and clarify the Application.
8. On January 29, 2015, Order No. 4 was issued establishing revised deadlines and providing Lakeside WCID 2C 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 2C 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 2C and proposing a procedural schedule.
12. On May 7, 2015, Order No. 5 was issued requiring Lakeside WCID 2C and Manville WSC to provide additional information regarding the Application.
13. On May 22, 2015, Lakeside WCID 2C 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 2C an opportunity to cure the deficiencies.

16. On July 31, 2015, Lakeside WCID 2C 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 2C an opportunity to cure the deficiencies.
19. On October 1, 2015, Lakeside WCID 2C 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 2C an opportunity to cure the deficiencies.
22. On December 4, 2015, Lakeside WCID 2C amended its Application with supplemental materials.
23. On January 7, 2016, Staff filed a response to Order No. 8, recommending that the Application be found administratively incomplete.
24. On January 13, 2016, Order No. 9 was issued finding the Application to be deficient, establishing revised deadlines, and providing Lakeside WCID 2C an opportunity to cure the deficiencies.
25. On February 9, 2016, Lakeside WCID 2C amended its Application with supplemental materials.
26. On March 9, 2016, Staff filed a request for an extension of time to file its response to Order No. 9.

27. On March 10, 2016, Order No. 10 was issued revising the procedural schedule.
28. On March 16, 2016, Lakeside WCID 2C amended its Application with supplemental materials.
29. On March 30, 2016, Staff filed a request for an extension of time to file its response to Order No. 10.
30. On April 1, 2016, Order No. 11 was issued revising the procedural schedule.
31. On April 19, 2016, Staff filed a response to Order No. 11, recommending that the Application be found administratively complete.
32. On April 20, 2016, Order No. 12 was issued, finding the Application sufficient for filing.
33. On June 10, 2016, Staff filed a response to Order No. 12 proposing an additional procedural schedule.
34. On June 13, 2016, Order No. 13 was issued, adopting an additional procedural schedule.
35. Notice was provided by publication in *The Pflugerville Pflag* on April 27 and May 4, 2016, and in the *Round Rock Leader* on April 28 and May 5, 2016. The Publisher's affidavit dated May 5, 2016, and signed by Alejandro Cado, the legal advertising representative of *The Pflugerville Pflag* and the *Round Rock Leader*, attests to this notice.
36. Lakeside WCID 2C mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on April 25, 2016. An Affidavit that these entities received notice was dated May 16, 2016.
37. Order Nos. 14 and 15, issued August 26 and September 27, 2016, respectively, revised the procedural schedule.
38. On October 14, 2016, Staff filed its Final Recommendation in response to Order No. 15, recommending that the Application be approved.



39. On October 18, 2016, Staff and Lakeside WCID 2C filed a joint proposed motion to admit evidence and joint proposed notice of approval.

40. In Order No. \_\_\_\_, issued on \_\_\_\_, 2016, the administrative law judge admitted the following evidence into the record of this proceeding: (a) (a) Lakeside WCID 2C'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 2C's Response to Order No. 4 providing supplemental information (AIS Item No. 9, filed February 23, 2015); (d) Lakeside WCID 2C'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 2C's supplemental information to its application (AIS Item Nos. 16, 19, 22, 25, and 28, filed July 31, 2015, October 1, 2015, December 4, 2015, February 9, 2016, and March 16, 2016, respectively); (f) Lakeside WCID 2C's filing providing written consent from the City of Pflugerville (AIS Item No. 33, filed May 18, 2016); (g) Affidavits of published and mailed notice (AIS Item No. 34, filed May 20, 2016); (h) Lakeside WCID 2C's supplement to its application (AIS Item No. 35, filed May 25, 2016); (i) Lakeside WCID 2C's Response to Staff's First RFI (AIS Item No. 40, filed June 21, 2016); (j) Lakeside WCID 2C's Response to Staff's Second RFI (AIS Item No. 41, filed June 30, 2016); (k) Lakeside WCID 2C's Response to Staff's Third RFI (AIS Item No. 43, filed July 6, 2016); (l) Lakeside WCID 2C's supplements to its application (AIS Item No. 45, filed August 29, 2016); (m) Lakeside WCID 2C's consent form (AIS Item No. 48, filed October 7, 2016); (n) Manville Water Supply Corporation's consent form (AIS Item No. 49, filed October 10, 2016); and (o) Commission Staff's recommendation that application be approved (AIS Item No. 50, filed October 14, 2016).

#### **Informal Disposition**

41. More than 15 days has passed since completion of the notice provided in this docket effective May 5, 2016.

42. 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 2C 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 2C 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 2C possess the technical capability to provide continuous and adequate service pursuant to 16 TAC § 24.102.
6. Lakeside WCID 2C has demonstrated that obtaining CCN Nos. 13245 and 21094 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 2C's Application is approved.
2. Lakeside WCID 2C is hereby granted CCN Nos. 13245 and 21094.
3. Manville WSC's CCN No. 11444 is 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 2C  
 Water Service Area  
 CCN No. 13245  
 PUC Docket No. 42934  
 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

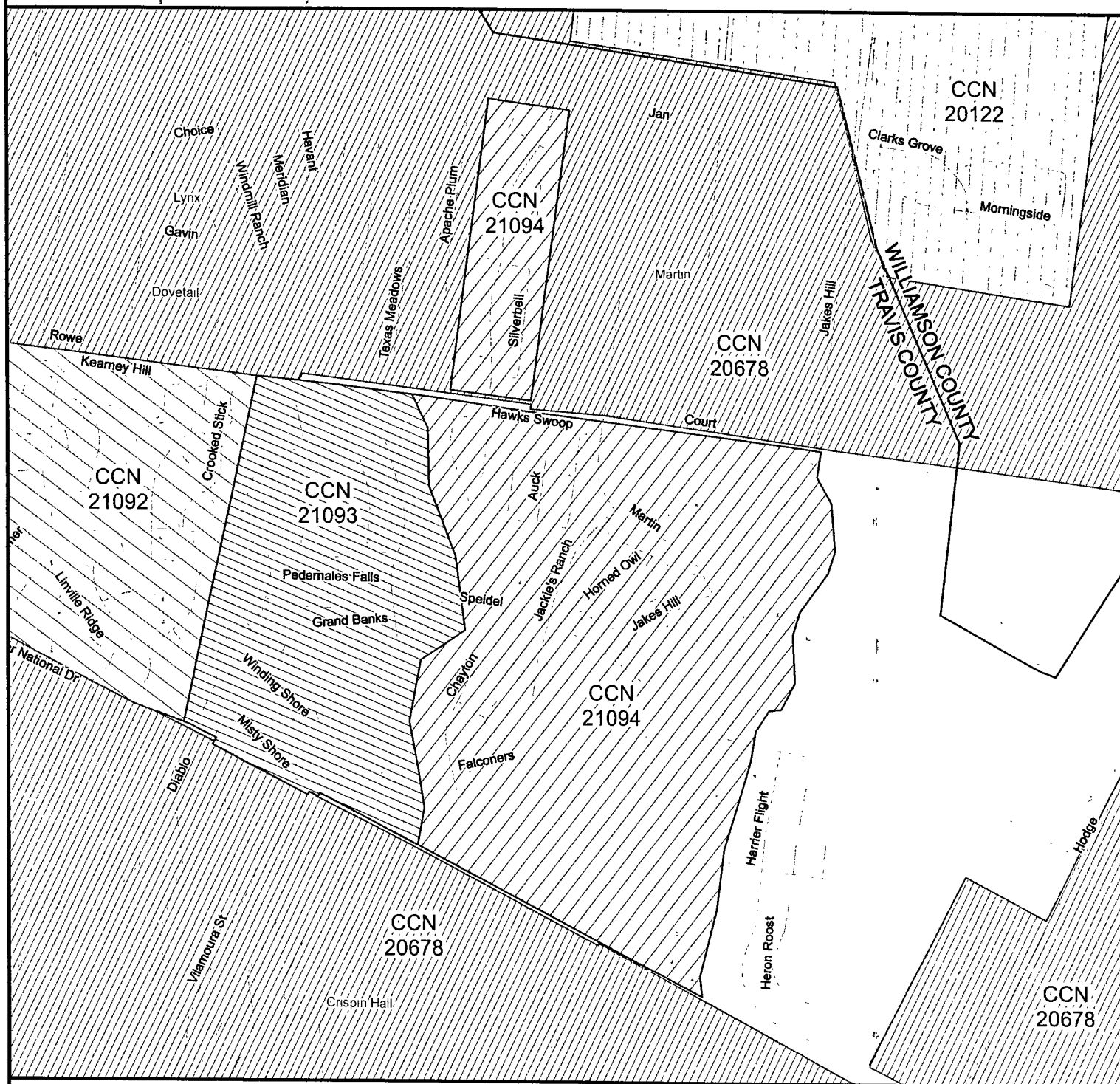
### Water CCN Service Areas

-  13245 - Lakeside WCID 2C
-  13244 - Lakeside WCID 2B
-  13243 - Lakeside WCID 1
-  11144 - Manville WSC








Map by: Kristy Nguye  
 Date created: September 23, 201  
 Project Path: n:\Final Maps\42934Water.mxd

Lakeside Water Control Improvement District 2C  
Sewer Service Area  
CCN No. 21094  
PUC Docket No. 42934  
Obtained New CCN in Travis County

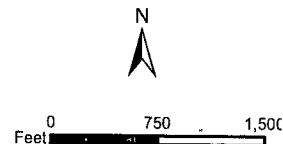


**Sewer CCN Service Areas**

-  21094 - Lakeside WCID 2C
-  21093 - Lakeside WCID 2B
-  21092 - Lakeside WCID 1
-  20678 - City of Pflugerville
-  20122 - City of Hutto



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



Map by: Kristy Nguyen  
Date created: September 23, 2011  
Project Path: n:\Final Maps\42934Sewer.mxd



# **Public Utility Commission Of Texas**

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

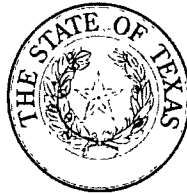
## **Lakeside Water Control Improvement District 2C**

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 2C, is entitled to this

## **Certificate of Convenience and Necessity No. 13245**

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. 42934 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 2C, 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**

## **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. 42934 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 2C**

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 2C, is entitled to this

### **Certificate of Convenience and Necessity No. 21094**

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. 42934 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 2C, 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

2016 OCT -7 PM 2:53

PUBLIC UTILITY COMMISSION  
DISTRICT 2C

Applicant's Name: Lakeside Water Control Improvement District 2C  
Docket No.: 42934  
CCN Nos.: 13245, 21094

- ☒ I concur with the maps and certificates transmitted by e-mail on September 30, 2016.
- ☐ I do not concur with the maps and certificates transmitted by e-mail on September 30, 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 2C to sign this form.

Signature: [Signature]

Printed Name: David Klein, General Counsel for LWCD 2C

Relationship to Applicant: General Counsel for LWCD 2C

Date signed: October 7, 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

RECEIVED

2016 OCT 10 AM 10:54

PUBLIC UTILITY COMMISSION  
FILING CLERK

Applicant's Name: Lakeside Water Control Improvement District 2C

Docket No.: 42934

CCN No.: 13245

- ☒ I concur with the map decertifying a portion of Manville WSC's CCN No 11444 and certificate transmitted by e-mail on September 30, 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 September 30, 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: Attorney, Manville Water Supply Corp

Date signed: Oct 7 '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