



Control Number: 42934



Item Number: 56

Addendum StartPage: 0

DOCKET NO. 42934

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APPLICATION OF MANVILLE §  
WATER SUPPLY CORPORATION §  
AND LAKESIDE WATER CONTROL §  
IMPROVEMENT DISTRICT 2C FOR §  
APPROVAL OF A SERVICE §  
AGREEMENT IN TRAVIS COUNTY §  
(37795-C) §

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**NOTICE OF APPROVAL**

This Notice addresses the amended application of Lakeside Water Control and Improvement District 2C 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 and Manville submitted a CSA to the Texas Commission on Environmental Quality (TCEQ) for approval.
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 9, 2016, March 16, 2016, May 25, 2016, and August 29, 2016. The application was also supplemented by discovery responses on June 21, 2016 and June 30, 2016.
4. Approval of the application, as amended, would result in Lakeside 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 CCN service areas of Manville's water CCN and the City of Pflugerville's sewer CCN.

5. On April 20, 2016, Order No. 12 was issued deeming the application, as amended, administratively complete, addressing notice, and establishing a procedural schedule.
6. On May 18, 2016, Lakeside submitted Pflugerville's signed consent to decertification of the portions of its sewer CCN that overlap with the District.
7. On October 7, 2016, Lakeside submitted a signed consent form evidencing agreement with the proposed and revised water and sewer maps and certificates, as prepared by Commission Staff.
8. On October 10, 2016, Manville submitted a signed consent form evidencing agreement with the proposed and revised water and sewer maps and certificates, as prepared by Commission Staff.
9. On October 14, 2016, Commission Staff recommended approval of the application, as amended, and provided copies of the proposed and revised water and sewer service area maps and certificates for Lakeside and Manville, and consents thereto.
10. On October 18, 2016, Commission Staff and Lakeside filed a joint proposed motion to admit evidence and joint proposed notice of approval.
11. On November 21, 2016, Order No. 16 was issued requiring clarification regarding whether the sewer service area requested by Lakeside is currently uncertificated or would be removed from an existing CCN.
12. On December 1, 2016, Commission Staff filed response to Order No. 16, a motion to admit additional evidence, and revised joint proposed notice of approval. Commission Staff provided copies of the revised water and sewer service area maps and certificates for Lakeside, Manville, and Pflugerville, and consents thereto.
13. On December 5, 2016, Pflugerville's signed consent form evidencing agreement with the proposed and revised water and sewer maps and certificates, as prepared by Commission Staff was filed.

14. The maps and certificates discussed in Finding of Fact Nos. 7, 8, 9, 12 and 13 are attached to this Notice.
15. On January 26, 2017, Order No. 17, was issued admitting evidence into the record.

Notice.

16. 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.
17. On April 25, 2016, Lakeside mailed notice of the application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties.
18. On May 20, 2016, Lakeside filed affidavits attesting to mailed and published notice, including copies of individual notices.

Description of the Application

19. Lakeside seeks to obtain water and sewer CCNs for approximately 407 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.
20. There are approximately 446 current water and sewer customers in the requested service area.
21. Lakeside owns all of the water distribution and sewer collection facilities in operation in the service area.
22. Lakeside is currently and will continue to be the provider of retail water and sewer service in the requested service area.
23. Manville provides and will continue to provide wholesale water service to Lakeside.
24. Pflugerville provides and will continue to provide wastewater treatment capacity to Lakeside on a wholesale basis.<sup>1</sup>

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<sup>1</sup> Lakeside Water Control and Improvement District No. 2C's Response to Order No. 5, Attachment A (providing supplemental application to obtain new water and sewer CCNs for Lakeside WCID 2C).

25. Pflugerville operates and maintains Lakeside's water and sewer systems under a Professional Services Agreement.<sup>2</sup>

**Informal Disposition**

26. The only parties to this proceeding are Commission Staff, Manville, Pflugerville and Lakeside.
27. More than 15 days has passed since completion of the notice.
28. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.
29. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

**II. Conclusions of Law**

1. The Commission has jurisdiction and authority over this docket under Texas Water Code §§ 13.041 and 13.241(TWC).
2. Lakeside and Manville are retail public utilities as defined in TWC § 13.002(19) and 16 Texas Administrative 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 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 and Manville are entitled to approval of the application, as amended, having demonstrated that new water and sewer CCNs for Lakeside and partial decertification of Manville's water CCN and Pflugerville's sewer CCN, as requested in this application, are

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<sup>2</sup> *Id.*

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 and 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 under 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 Water Control and Improvement District 2C is granted water CCN No. 13245 in Travis County, consistent with this Notice.
3. Lakeside shall serve every water customer and applicant for water service within the areas certified under CCN No. 13245, and such service shall be continuous and adequate.
4. Manville's water CCN No. 11444 is amended, consistent with this Notice.
5. Manville shall continue to serve every customer and applicant for water service within the areas certified under CCN No. 11444, and such service shall be continuous and adequate.
6. Lakeside Water Control and Improvement District 2C is granted sewer CCN No. 21094 in Travis County, consistent with this Notice.
7. Lakeside shall serve every customer and applicant for sewer service within the areas certified under CCN No. 21094, and such service shall be continuous and adequate.
8. Pflugerville's sewer CCN No. 20678 is amended, consistent with this Notice.

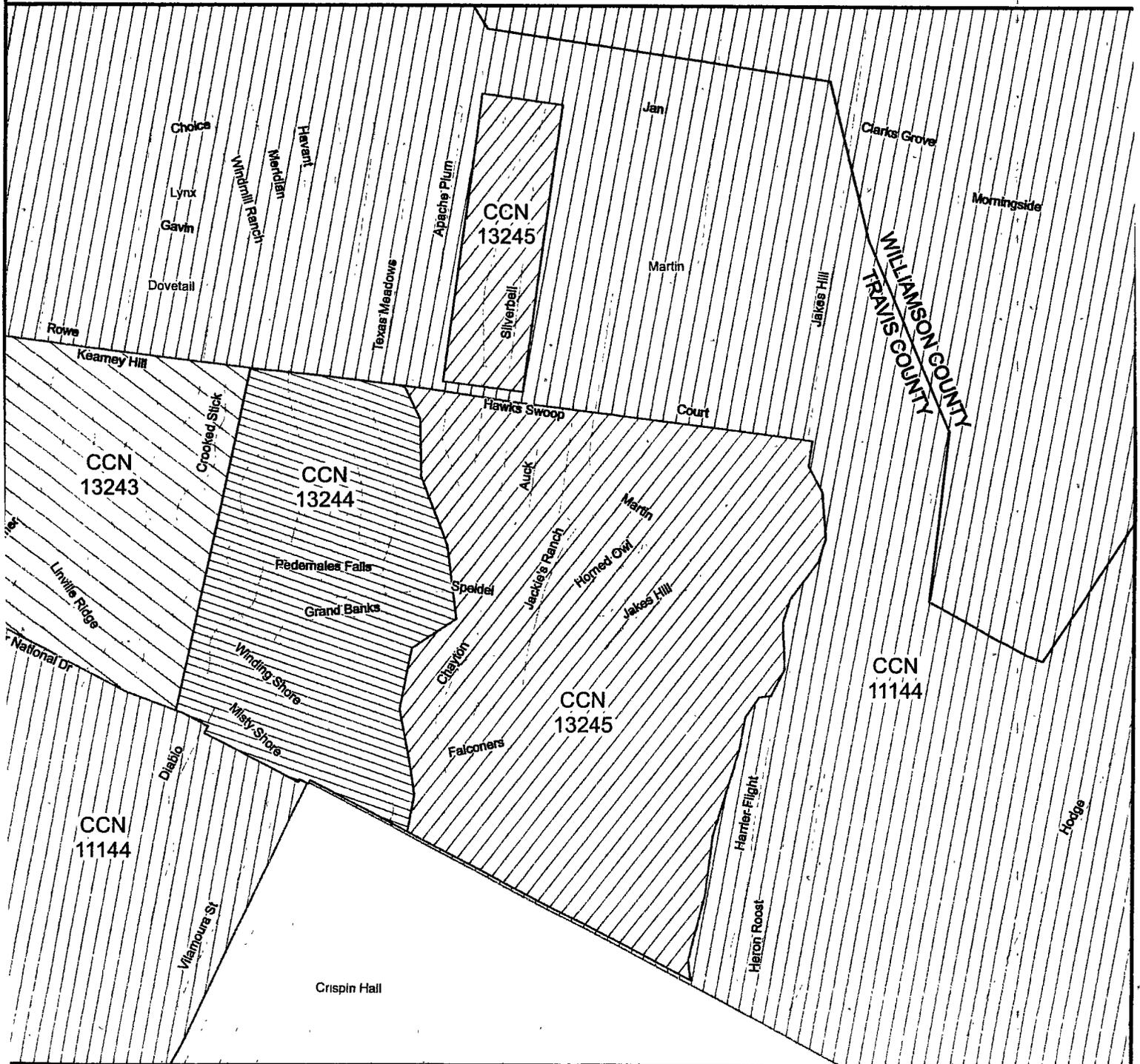
9. Pflugerville shall continue to serve every customer and applicant for sewer service within the areas certified under CCN No. 20678, and such service shall be continuous and adequate.
10. Lakeside, Manville and Pflugerville shall comply with the recording requirements in TWC § 13.257(r) for the area 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 26<sup>th</sup> day of January 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

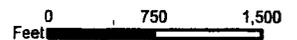
  
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**SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**

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

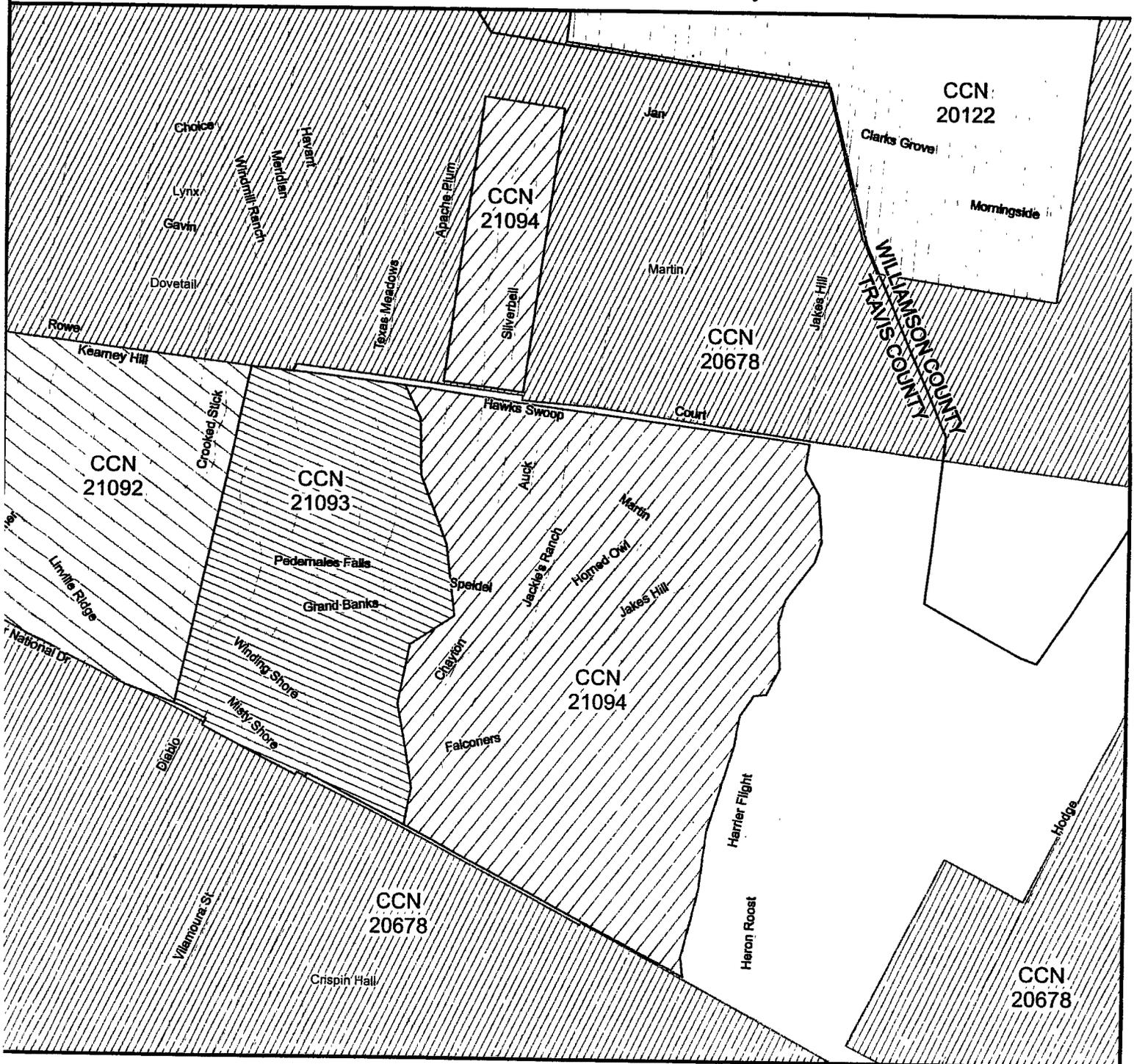


**Water CCN Service Areas**

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



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



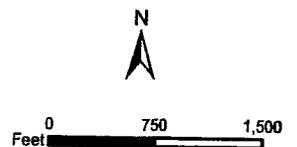
**Sewer CCN Service Areas**

-  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, 2016  
 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 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 26<sup>th</sup> day of January 2017.



# 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 sewer 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 26<sup>th</sup> day of January 2017.



# 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 26<sup>th</sup> day of January 2017.



# 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. 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 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, this <sup>th</sup> 26 day of January 2017.