

Control Number: 42935



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**DOCKET NO. 42935**

**APPLICATION OF MANVILLE  
WATER SUPPLY CORPORATION  
AND LAKESIDE WATER CONTROL  
AND IMPROVEMENT DISTRICT 2D  
FOR APPROVAL OF A SERVICE  
AGREEMENT IN TRAVIS COUNTY  
(37796-C)**

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PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

**ORDER NO. 5  
REQUIRING ADDITIONAL INFORMATION**

**I. Background**

On January 29, 2015, Order No. 4 was issued in this proceeding, requiring Manville Water Supply Corporation (Manville WSC) and Lakeside Water Control and Improvement District 2D (Lakeside WCID 2D) (collectively the Applicants) to provide clarifying information regarding this application.<sup>1</sup> Specifically, the Applicants were required to clarify the relief sought, identify statutory authority for such relief, confirm or deny Public Utility Commission of Texas (Commission) Staff's interpretation of the relief requested in this application, and answer other specific questions including whether consolidation with Docket Nos. 42931, 42932, 42933, and 42934 is appropriate.<sup>2</sup>

Commission Staff's interpretation of this application is that the intended results are to:

1. Transfer a portion of Manville WSC's service area to Lakeside WCID 2D;
2. Amend Manville WSC's certificate of convenience and necessity (CCN) to reflect this transfer; and
3. Grant a new CCN to Lakeside WCID 2D for the transferred service area.<sup>3</sup>

On February 19, 2015, Manville WSC responded to Order No. 4, providing clarification of the relief sought and affirming Commission Staff's interpretation of the relief requested in this

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<sup>1</sup> Order No. 4 at 2 (Jan. 29, 2015).

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

<sup>3</sup> Commission Staff's Response to Order No. 3, and Request for Supplemental Information to Clarify the Application at 5 (Jan. 23, 2015).

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application.<sup>4</sup> On February 23, 2015, Lakeside WCID 2D also responded to Order No. 4. Lakeside WCID 2D confirmed Commission Staff's interpretation of the relief requested in the application<sup>5</sup> and stated that this application is made pursuant to Tex. Water Code § 13.248 (TWC) and 16 Tex. Admin. Code § 24.117 (TAC), which pertain to Commission approval of contracts between retail public utilities that designate areas to be served and customers to be served, and should be processed accordingly.<sup>6</sup> The district stated that this application was not made pursuant to TWC § 13.301.<sup>7</sup>

## **II. Staff Recommendation/Comments and Request for Additional Information**

On March 20, 2015, Commission Staff responded to Order No. 4, affirming its understanding of the application and the parties' agreement, stating its position, requesting additional information from the Applicants and proposing a procedural schedule.<sup>8</sup> On March 23, 2015, Commission Staff filed an amended response to Order No. 4, revising the proposed procedural schedule to reflect the dates agreed upon by Staff and the Applicants.<sup>9</sup>

Commission Staff acknowledged that this application was filed pursuant to TWC § 13.248, but stated that this statute does not specify the information required to process an application.<sup>10</sup> Therefore, Commission Staff stated that it must look to the Commission's rules and application forms for the requested relief in order to determine what information an Applicant must provide.<sup>11</sup> As discussed above, in this application, three types of relief are requested: (1) service area transfer, (2) CCN amendment, and (3) grant of a new CCN.

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<sup>4</sup> Response of Manville Water Supply Corporation to Order No. 4 Requiring Supplemental Information at 2 (Feb. 19, 2015).

<sup>5</sup> Lakeside Water Control and Improvement District No. 2D's Response to Order No. 4 at 3 (Feb. 23, 2015) (Lakeside Response).

<sup>6</sup> *Id.* at 2-6.

<sup>7</sup> *Id.* at 3 and 7.

<sup>8</sup> Commission Staff's Response to Order No. 4 and Request for Additional Information at 3-5 (Mar. 20, 2015).

<sup>9</sup> Commission Staff's Amended Response to Order No. 4 and Request for Additional Information at 3-5 (Mar. 23, 2015) (Staff's Rec).

<sup>10</sup> *Id.* at 3.

<sup>11</sup> *Id.*

Commission Staff stated its intent to review each request separately according to the statute and rule requirements for each type of relief requested.<sup>12</sup>

Commission Staff stated that the Applicants did not provide adequate information to review a request for a new CCN.<sup>13</sup> Therefore, Commission Staff recommends that the Applicants be required to amend the application to include all information required by TWC § 13.241 and 16 TAC §§ 24.102 and 24.105.<sup>14</sup>

### III. Notice

Commission Staff also recommended that Applicants be required to provide draft notice of the application in the forms required for the three individual types of requested relief.<sup>15</sup> Commission Staff recommends that the Applicants provide the following draft notices for this application:

- (1) Published notice of the application;
- (2) Mailed notice of the application to affected parties, cities and neighboring retail public utilities providing the same utility service whose corporate limits or certificated service area boundaries are within five (5) miles of the requested service area boundaries;
- (3) Mailed notice to any city with extraterritorial jurisdiction that overlaps the proposed service area boundaries; and
- (4) Mailed notice to counties and groundwater districts included in the proposed area.<sup>16</sup>

### IV. Providing Opportunity to Supplement Application

As specifically described in Commission Staff's March 23, 2015 filing, the Applicants shall amend the application to provide all information required to be included in the

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Staff's Rec at 4.

<sup>16</sup> *Id.* at 4-5.

Commission's application to obtain a water CCN. Additionally, Applicants shall provide draft notices consistent with Commission Staff's recommendation for Commission review. Applicants shall not send out notice to affected parties until Commission Staff has approved the content and form of proposed notice.

#### **V. Consolidation**

In their response to Order No. 4, Lakeside WCID 2D stated that it did not oppose consolidation of this docket with Docket Nos. 42931, 42932, 42933, and 42934 because each of these dockets contemplate the transfer of water CCN area from Manville WSC to a respective Lakeside WCID.<sup>17</sup> Manville and Commission Staff did not address the question of consolidation in their responses. However, based on Commission Staff's recommendation that each Lakeside WCID submit information required to obtain a new water CCN, the Administrative Law Judge believes it is appropriate for the dockets to be processed as separate proceedings. Therefore, this docket will not be consolidated with Docket Nos. 42931, 42932, 42933, and 42934.

#### **VI. Procedural Schedule**

The following procedural schedule as proposed by Commission Staff and the Parties is adopted:

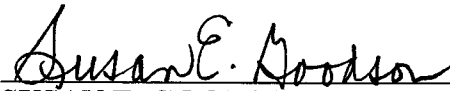
Deadline for Applicants to amend the application and file draft notices for Commission review	<b>May 22, 2015</b>
Deadline for Commission Staff to file a supplemental recommendation on the application	<b>June 30, 2015</b>

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<sup>17</sup> Lakeside Response at 7.

SIGNED AT AUSTIN, TEXAS the 7<sup>th</sup> day of May 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in cursive script, reading "Susan E. Goodson", is written over a horizontal line.

SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE

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