

Control Number: 42944



Item Number: 84

Addendum StartPage: 0

APPLICATION OF THE CITY OF  
 THRALL TO AMEND A  
 CERTIFICATE OF CONVENIENCE  
 AND NECESSITY IN WILLIAMSON  
 COUNTY (36627-C)

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PUBLIC UTILITY COMMISSION

2017 APR 20 AM 11:15

OF TEXAS

PUBLIC UTILITY COMMISSION  
 FILING CLERK

### MOTION TO ADMIT EVIDENCE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) representing the public interest files this Motion to Admit Evidence.

#### I. Background

On January 28, 2010, the City of Thrall (City), filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend water Certificate of Convenience and Necessity (CCN) No. 13063 in Williamson County, Texas pursuant to the Texas Water Code (TWC) §§ 13.242-250 and 30 Tex. Admin. Code (TAC), §§ 291.101-107. On March 12, 2010, the TCEQ accepted the City's application for filing. The City provided proper public notice provided on July 9, and 16, 2010, in the Taylor Daily Press. On July 12, 2010, notice was provided to neighboring systems, landowners, cities and affected parties in Williamson County. An affidavit stating that notice was published in the newspaper were received by TCEQ on July 19, 2010, and an affidavit stating that notices were provided to all affected parties were received at the TCEQ on July 27, 2010.

On October 15, 2010, the TCEQ referred the case to the State Office of Administrative Hearings (SOAH). Noack Water Supply Corporation and the Stiles Farm Foundation were admitted as protesting parties at a preliminary hearing on January 15, 2011. After the parties negotiated for an extended period of time and SOAH granted multiple requests for abatement, the parties reached and executed a settlement agreement on October 11, 2012. SOAH then remanded the case to the TCEQ and dismissed the case from its docket without prejudice.

On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Commission. The Commission did not receive a final order from the TCEQ regarding the settlement. On November 4, 2014, the Commission issued Order No. 2, requiring Staff to file an update on the status of the proceeding, a recommendation on the need for a hearing or on final disposition of the application, if appropriate at the time, or propose a procedural schedule, if

necessary. Staff has since filed many status updates with the Commission while working with the parties on a settlement package.

## **II. Motion to Admit Evidence**

The attached Stipulation resolves all of the issues in this proceeding. The parties request that the following be admitted into evidence for the limited purpose of supporting the Stipulation and seeking approval of the Stipulation:

1. Application of the City to amend CCN No. 13063 (AIS Item No. 1, Issued on September 15, 2014);
2. The City's Affidavit of Notice to neighboring utilities and affected parties (AIS Item No. 12, Issued on September 15, 2014);
3. The City's Affidavit of Notice to landowners (AIS Item No. 13, Issued on September 15, 2014);
4. SOAH Order No. 1, memorializing prehearing conference (AIS Item No 28, issued November 7, 2014);
5. SOAH Order No. 8, remanding matter back to TCEQ (AIS Item No. 23, Issued on September 15, 2014);
6. Map of the City's Amended CCN No 13063 water service area;
7. The City's CCN Certificate No. 13063;
8. Unanimous Stipulation and Settlement Agreement and Joint Proposed Final Order, filed on April 19, 2017 (attached); and
9. Memorandum in Support of Unanimous Stipulation and Settlement Agreement of Heidi Graham, Water Utilities Division, filed on behalf of Staff on April 19, 2017 (attached).

## **III. Conclusion**

The parties request the issuance of an order consistent with the above request.

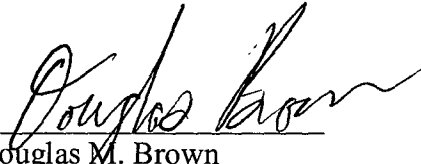
Dated: April 20, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig-Pemberton  
Division Director

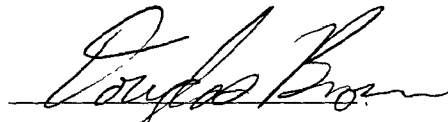
Managing Attorney

  
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State Bar No. 24048366  
Public Utility Commission of Texas  
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P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203  
(512) 936-7268 (facsimile)  
Douglas.brown@puc.texas.gov

**PUC DOCKET NO. 42944**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on  
April 20, 2017 in accordance with 16 TAC § 22.74.

  
Douglas M. Brown

**PUC DOCKET NO. 42944**

**APPLICATION OF CITY OF  
THRALL TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN WILLIAMSON  
COUNTY (36627-C)**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**UNANIMOUS STIPULATION AND SETTLEMENT AGREEMENT**

This Unanimous Stipulation and Settlement Agreement (Stipulation) is entered into by the parties in this case, who are the Staff (Staff) of the Public Utility Commission of Texas (Commission) and the City of Thrall (City), Noack Water Supply Corporation, and Stiles Farm Foundation, either personally or through their duly authorized representatives (collectively, Signatories).

**I. BACKGROUND**

On January 28, 2010, the City of Thrall (City), filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend water Certificate of Convenience and Necessity (CCN) No. 13063 in Williamson County, Texas pursuant to the Texas Water Code (TWC) §§ 13.242-250 and 30 Tex. Admin. Code (TAC), §§ 291.101-107. On March 12, 2010, the TCEQ accepted the City's application for filing. The City provided proper public notice provided on July 9, and 16, 2010, in the Taylor Daily Press. On July 12, 2010, notice was provided to neighboring systems, landowners, cities and affected parties in Williamson County. An affidavit stating that notice was published in the newspaper were received by TCEQ on July 19, 2010, and an affidavit stating that notices were provided to all affected parties were received at the TCEQ on July 27, 2010.

On October 15, 2010, the TCEQ referred the case to the State Office of Administrative Hearings (SOAH). After a preliminary hearing on January 15, 2011 and various SOAH orders granting the TCEQ's request for abatement, the parties reached a settlement agreement on October 11, 2012. SOAH then remanded the case to the TCEQ and dismissed the case from its docket without prejudice.

On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Commission. The Commission did not receive a final order from the TCEQ regarding the settlement.

## **II. STIPULATION AND AGREEMENT**

1. The Signatories agree that the City shall provide water service to the proposed service area.
2. CCN No. 13063 is revised in accordance with the attached map (**Attachment A**).
3. The Signatories jointly propose the Commission issue a final order in the form attached as **Attachment B**. The Signatories submit the stipulated and agreed-upon Findings of Fact and Conclusions of Law included in the proposed order in **Attachment B** for the Commission's adoption of and inclusion in a final order in this case implementing the terms of this Stipulation.

## **III. IMPLEMENTATION OF AGREEMENT**

1. **Obligation to Support this Stipulation.** The Signatories support this Stipulation before the Commission and will take reasonable steps to support expeditious entry of orders fully consistent with this Stipulation. This provision shall not preclude any party from taking action that is mandatory and nondiscretionary pursuant to a law enacted after the date this Stipulation is filed at the Commission.
2. **Effect of Stipulation.**
  - a. The failure to litigate any specific issue in this docket does not waive any Signatory's rights to contest that issue in any other current or future proceeding. The failure to litigate an issue cannot be asserted as a defense or estoppel, or any similar argument, by or against any Signatory in any other proceeding.
  - b. The terms of this Stipulation may not be used either as an admission or concession of any sort or as evidence in any proceeding except to enforce the terms of this Stipulation. Oral or written statements made during the course of the settlement negotiations may not be used for any purposes other than as necessary to support the entry by the Commission of an order implementing this Stipulation. All oral or written statements made during the course of the settlement negotiations are governed by Tex. R. Evid. 408.


- c. The Signatories arrived at this Stipulation through extensive negotiation and compromise. This Stipulation reflects a compromise, settlement and accommodation among the Signatories, and the Signatories agree that the terms and conditions herein are interdependent. The Signatories agree that this Stipulation is in the public interest. All actions by the Signatories contemplated or required by this Stipulation are conditioned upon entry by the Commission of a final order fully consistent with this Stipulation. If the Commission does not accept this Stipulation as presented or enters an order inconsistent with any term of this Stipulation, any Signatory shall be released from all commitments and obligations, and shall have the right to seek hearing on all issues, present evidence, and advance any positions it desires, as if it had not been a Signatory
- d. This Stipulation is binding on each of the Signatories only for the purpose of settling the issues as set forth herein and for no other purposes. It is acknowledged that a Signatory's support of the matters contained in this Stipulation may differ from the position taken or testimony presented by it in this proceeding or other proceedings. To the extent that there is a difference, a Signatory does not waive its position in any other proceedings. Because this is a stipulated resolution, no Signatory is under any obligation to take the same positions as set out in this Stipulation in other proceedings, whether those proceedings present the same or a different set of circumstances, except as may otherwise be explicitly provided in this Stipulation.
- e. There are no third party beneficiaries of this Stipulation. Although this Stipulation represents a settlement among the Signatories with respect to the issues presented in this docket, this Stipulation is merely a settlement proposal submitted to the Commission, which has the authority to enter an order resolving these issues.

- f. This Stipulation supersedes any prior written or oral agreement in this docket regarding the subject matter of this Stipulation.
- g. This Stipulation shall not be binding or precedential upon a Signatory outside this docket and Signatories retain their rights to pursue relief to which they may be entitled in other proceedings.
3. **Execution.** The Signatories agree that this Stipulation may be executed in multiple counterparts and filed with facsimile or computer image signatures.

Executed as shown below:

Dated this 19th day of April, 2017.

**CITY OF THRALL**

By:   
Troy Marx, Mayor

Date: 3-24-17

**STAFF OF THE PUBLIC UTILITY COMMISSION OF TEXAS**

By: 

Douglas M. Brown

Attorney for Staff of the Public Utility Commission of Texas

Date: 4-18-17

**NOACK WATER SUPPLY CORPORATION**

By: 

Date: March 16, 2017



STILES FARM FOUNDATION

By: Joseph E. Stiles

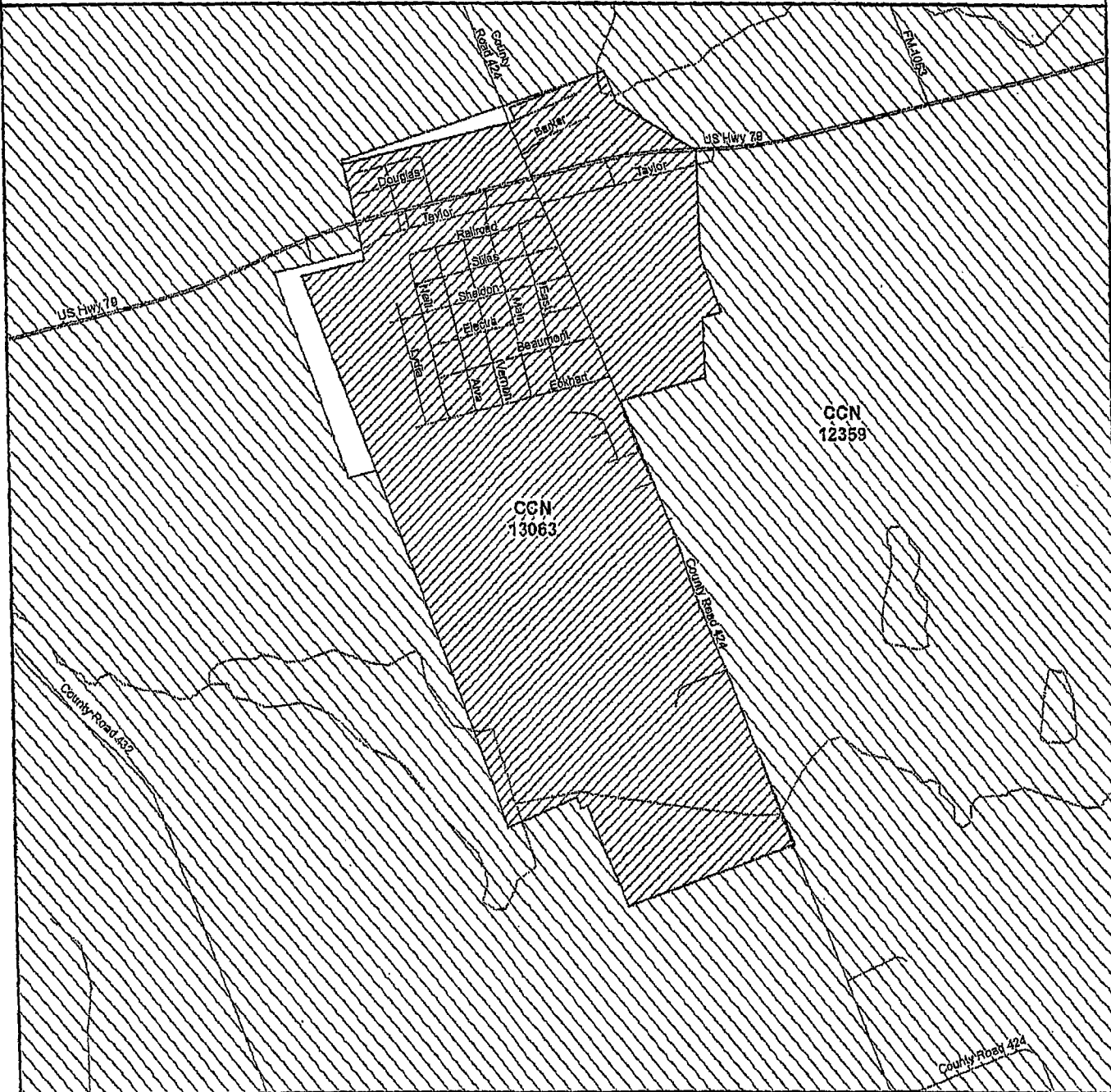
Date: 3/24/17

A handwritten signature, likely of Joseph E. Stiles, written in dark ink. The signature is stylized with large, flowing loops and is positioned to the right of the date line.

**ATTACHMENT A**  
**(Map of CCN No. 13063)**



City of Thrall  
 Water Service Area  
 CCN No. 13063  
 PUC Docket No. 42944  
 Amended CCN No. 13063  
 in Williamson County

# EXHIBIT A



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

## Water CCN Service Areas

-  13063 - City of Thrall
-  12359 - Noack WSC

0 750 1,500  
 Feet



Map by: Suzanne Jasler  
 Date created: Dec. 8, 2014  
 Updated by Komal Patel on Sep. 8, 2015  
 Project path: n:/gis/projects/applications/42944.mxd

**ATTACHMENT B**  
**(Proposed Final Order)**

**PUC DOCKET NO. 42944**

**APPLICATION OF CITY OF THRALL § PUBLIC UTILITY COMMISSION  
TO AMEND A CERTIFICATE OF §  
CONVENIENCE AND NECESSITY § OF TEXAS  
IN WILLIAMSON COUNTY (36627-C) §**

**PROPOSED FINAL ORDER**

This Order addresses the application of the City of Thrall, Texas (City) to amend water service Certificate of Convenience and Necessity (CCN). The parties, Staff (Staff) of the Public Utility Commission of Texas (Commission), the City, Noack Water Supply Corporation, and Stiles Farm Foundation entered into a Unanimous Stipulation (Stipulation) that resolves all issues in this proceeding. The City's application is approved solely to the extent consistent with the Unanimous Stipulation and Settlement Agreement (Stipulation).

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Procedural History**

1. On January 28, 2010, the City filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend water service CCN No. 13063 in Williamson County, Texas pursuant to Tex. Water Code (TWC) §§ 13.242-250 and 30 Tex. Admin. Code §§ 291.101-107.
2. On March 12, 2010, the TCEQ accepted the application for filing and notified the City that it was required to provide revised public notices.
3. On July 12, 2010, the City provided notice to neighboring utilities, landowners, and affected parties.
4. On October 15, 2010, TCEQ referred the case to the State Office of Administrative Hearings (SOAH) and requested that a hearing be scheduled.
5. On January 6, 2011, SOAH issued Order No. 1, stating TCEQ, the City of Thrall, Noack Water Supply Corporation (intervenor), and the Stiles Farm Foundation (intervenor), appeared at a preliminary hearing on January 5, 2011 and were admitted as parties. The parties agreed to

abate the proceeding in order to facilitate settlement, and the TCEQ would provide the administrative law judge with a status report by March 11, 2011.

6. On May 31, 2012, SOAH issued Order No. 6, requiring the parties to file a status report or an agreed proposed procedural schedule.
7. On June 25, 2012, SOAH adopted the procedural schedule proposed by the TCEQ in Order No. 7.
8. On October 15, 2012, the City filed a motion to remand the case and indicated that the parties had executed a settlement agreement on October 11, 2012.
9. On October 23, 2012, in Order No. 8, SOAH granted the motion, remanded the case to the TCEQ, and dismissed the case from its docket without prejudice.
10. Effective September 1, 2014, TCEQ's jurisdiction over the City's application transferred to the Commission. Upon refile, the Commission assigned the application PUC Docket No. 42944 on November 4, 2014.
11. The Commission did not receive a final order from the TCEQ regarding the settlement.
12. On November 4, 2014, the Commission issued Order No. 2, requiring Staff to file an update on the status of the proceeding, a recommendation on the need for a hearing or on final disposition of the application, if appropriate at the time, or propose a procedural schedule, if necessary.

#### **Description of the Stipulation**

1. The Signatories agree that the City shall provide water service to the proposed service area.
2. The CCN No. 13063 is revised in accordance with the map attached to the Stipulation.

#### **Consistency of the Stipulation with the Texas Water Code and Commission Requirements**

1. Considered in light of the City's application and information exchanged through confidential privileged settlement negotiations, the Stipulation is the result of compromise from each party, and these efforts, as well as the overall result of the stipulation, support the reasonableness and benefits of the terms of the Stipulation.
2. The terms and conditions of the CCN resulting from the Stipulation are just and reasonable and consistent with the public interest when the benefits of avoiding an expensive contested case hearing are considered.

## **II. Evidence Admitted into the Record**

The following evidence has been admitted into the record:

1. Application of the City to amend CCN No. 13063 (AIS Item No. 1, Issued on September 15, 2014);
2. The City's Affidavit of Notice to neighboring utilities and affected parties (AIS Item No. 12, Issued on September 15, 2014);
3. The City's Affidavit of Notice to landowners (AIS Item No. 13, Issued on September 15, 2014);
4. SOAH Order No. 1, memorializing prehearing conference (AIS Item No 28, issued November 7, 2014);
5. SOAH Order No. 8, remanding matter back to TCEQ (AIS Item No. 23, Issued on September 15, 2014);
6. Map of the City's Amended CCN No 13063 water service area;
7. The City's CCN Certificate No. 13063;
8. Unanimous Stipulation and Settlement Agreement and Joint Proposed Final Order, filed on April 19, 2017;
9. Memorandum in Support of Unanimous Stipulation and Settlement Agreement of Heidi Graham, Water Utilities Division, filed on behalf of Staff on April 19, 2017.

## **III. Conclusions of Law**

1. The City is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(58).
2. The Commission has jurisdiction over the City's application to amend its CCN pursuant to TWC §§ 13.041, 13.241, and 13.246. This docket was processed in accordance with the requirements of the Texas Water Code, Texas Administrative Procedure Act, and Commission rules.
3. The City provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. This application was processed in accordance with the requirements of TWC § 13.244 and 16 TAC §§ 24.102 and 24.105.

5. After considering the factors in TWC § 13.246(c), the City has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as is required by TWC § 13.241.
6. The City has demonstrated that the application meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246 and 16 TAC §§ 24.101-102 and 24.104-106.
7. Approval of the amended application is necessary for the service, accommodation, convenience, or safety of the public as is required by TWC §13.246(b) and 16 TAC § 24.102(c).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), the City is required to record a certified copy of the 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.
9. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.
10. This docket contains no remaining contested issues of fact or law.
11. The Stipulation, taken as a whole is a just and reasonable resolution of all issues it addresses, results in just and reasonable rates, terms and conditions, is consistent with the relevant provisions of TWC, Chapter 13, is consistent with the public interest, and should be approved.

#### **IV. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The City's application is approved.
2. The City's water CCN No. 13063 is hereby amended to reflect the additional service area.
3. The City shall comply with the recording requirements in TWC § 13.257(r) for the area in Williamson County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
4. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.



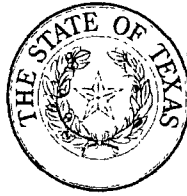
SIGNED AT AUSTIN, TEXAS on the \_\_\_\_ day of \_\_\_\_\_, 2017

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**

# **CCN Certificate**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That  
City of Thrall**

having duly applied for 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 by this Applicant, is entitled to and is hereby granted this

## **Certificate of Convenience and Necessity No. 13063**

to provide continuous and adequate water utility service to that service area or those service areas in Williamson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42944 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 Thrall, 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 obtain 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 \_\_\_\_\_ 2017

## **Staff Memorandum in Support of Stipulation**

## **PUC Memorandum In Support of Unanimous Stipulation and Settlement Agreement**

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**To:** Doug Brown, Attorney  
Legal Division

**THRU:** Tammy Benter, Director  
Lisa Fuentes, Work Leader  
Water Utilities Division

**FROM:** Heidi Graham, Staff Engineer  
Water Utilities Division

**DATE:** March 28, 2017

**SUBJECT:** *Docket No. 42944, Application from the City of Thrall, to Amend Certificate of Convenience and Necessity (CCN) No. 13063, in Williamson County; (Application No. 36627-C)*

On January 28, 2010, the City of Thrall (Applicant or City), filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend water Certificate of Convenience and Necessity (CCN) No. 11922, in Wise County, Texas. This application was filed pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), Sections 291.102 and 291.107. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 and 24.107.

The City's application was accepted for filing at TCEQ on March 12, 2010. Proper public notice was provided on July 9, and 16, 2010, in the Taylor Daily Press. On July 12, 2010, notice was provided to neighboring systems, landowners, cities and affected parties in Williamson County. An affidavit stating that notice was published in the newspaper were received by TCEQ on July 19, 2010, and an affidavit stating that notices were provided to all affected parties were received at the TCEQ on July 27, 2010. The comment period ended August 26, 2010. The Commission received requests for a public hearing on the application and the matter was referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing.

On January 5, 2011, an Administrative Law Judge (ALJ) for SOAH, conducted a preliminary hearing, took jurisdiction, and designated the following parties: the City of Thrall (Applicant); the Executive Director of the TCEQ (ED); Noack Water Supply Corporation (WSC) and the Stiles Farm Foundation (Protestants). The case was abated as parties attempted to reach a settlement. On October 11, 2012, the parties reached a settlement agreement. The SOAH ALJ subsequently remanded the case to the ED on October 23, 2012.

The original service area requested in the application was approximately 47.6 acres for the construction of a high school. The settlement agreement between the City and the WSC reduced the area to approximately 22.62 acres.

TWC § 13.246(c) requires the Commission to consider nine criteria when granting or amending a CCN. Therefore, the following criteria were considered:

- TWC §13.246(c)(1) requires the commission to consider the adequacy of service currently provided to the requested area. Since the settlement was reached in 2012, a high school has been constructed and is receiving water service from the City. The City has a TCEQ approved public water system, (PWS) No. 2460015. The PWS meets TCEQ's drinking water standards as required by 16 TAC § 24.102(a)(1). A review of TCEQ's Central Registry database indicates that the PWS has no unresolved violations. Therefore, adequate service is being provided to the requested area.
- TWC §13.246(c)(2) requires the commission to consider the need for service in the requested area. The City originally filed the CCN application to amend their CCN for an area in which a high school was to be constructed. The high school has been constructed and the City is currently providing water service to the school. Therefore, there is a need for service in the requested area.
- TWC §13.246(c)(3) requires the commission to consider the effect of granting an amendment on the recipient and on any other retail water utility servicing the proximate area. As a result of this application, the City's water CCN No. 13063 will be amended to include the area noted in the settlement agreement. The City and Noack WSC reached a settlement agreement where the WSC consents to the City serving the eastern portion of the requested area. No other retail public utility is affected by this amendment application.
- TWC §13.246(c)(4) requires the commission to consider the ability of the applicant to provide adequate service. The City has a TCEQ approved public water system, (PWS) No. 2460015. The PWS meets TCEQ's drinking water standards as required by 16 TAC § 24.102(a)(1). A review of TCEQ's Central Registry database indicates that the PWS has no unresolved violations. There are no additional facilities required to serve the requested area. Therefore, the City has the ability to provide adequate service.
- TWC §13.246(c)(5) requires the commission to consider the feasibility of obtaining service from an adjacent retail public utility. The City and Noack WSC reached a settlement agreement where the WSC consents to the City serving the eastern portion of the requested area. No other retail public utility is affected by this amendment application.
- TWC §13.246(c)(6) requires the commission to consider the financial ability of the applicant to pay for facilities necessary to provide continuous and adequate service. Based on the review of the application and information provided by the Applicant, the City has demonstrated adequate financial and managerial capabilities to provide service to the area being requested. Therefore, the City demonstrates adequate financial capability to provide service.
- TWC §§13.246(7) and (9) require the commission to consider the environmental integrity and the effect on the land to be included in the certificate. The land in the

proposed area was developed for the provision of water service to a high school. The school has been constructed and water service is currently being provided to the school by the City. There should be no additional effect on the environmental integrity or on the land.

- TWC § 13.246(8) requires the commission to consider the probable improvement in service or lowering of cost to consumers. The land in the proposed area was developed for the provision of water service to a high school. The school has been constructed and water service is currently being provided to the school by the City. The only customer in the requested area is the high school.

The City meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations and is capable of providing continuous and adequate service. Approving this application to amend CCN No. 13063 is necessary for the service, accommodation, convenience and safety of the public.

Staff recommends approval of the order. The City consented to the attached map and certificate.. Staff also recommends that the Applicant file a certified copy of the CCN map along with a written description of the CCN service area in the county clerk's office pursuant to TWC § 13.257 (r) and (s).

Based on the above information, Staff recommends the Commission do the following:

- 1) Approve the Application and the Unanimous Stipulation and Settlement Agreement;
- 2) Provide the attached map and certificate to the Applicant.