

Control Number: 42957



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DOCKET NO. 42957

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PUBLIC UTILITY COMMISSION
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**APPLICATION OF BAYLOR WATER
SUPPLY CORPORATION TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN ARCHER,
BAYLOR, KNOX, AND YOUNG
COUNTIES (37832-C)**

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§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S PROPOSED NOTICE OF APPROVAL

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Proposed Notice of Approval. In support of its Recommendation, Staff states the following:

I. BACKGROUND AND STATUS UPDATE

On January 16, 2014, Baylor Water Supply Corporation (Baylor WSC) filed with the Texas Commission on Environmental Quality (TCEQ) an application (Application) to amend its water certificate of convenience and necessity (CCN) No. 11605 in Archer, Baylor, Knox, and Young Counties pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254 and 30 TEX. ADMIN. CODE § 291.113¹. On September 1, 2014, pursuant to House Bill 1600 and Senate Bill 567 of the 83rd Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred to the Commission. In accordance with the requirement in Order No. 3 for Staff to file a Proposed Notice of Approval on the merits January 30, 2015, this pleading is timely filed.

II. PROPOSED NOTICE OF APPROVAL

Pursuant to Order No. 3, Staff recommends approval of the attached Proposed Notice of Approval fully and finally disposing of all issues in this proceeding. The attachment also

¹ Currently P.U.C. SUBST. R. 24.113.

includes the CCN No. 11605 of Baylor WSC, a map of the CCN service area, and a consent form.

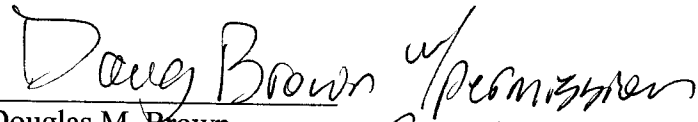
III. CONCLUSION

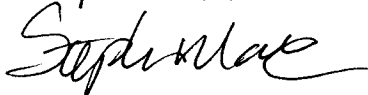
Staff respectfully requests that the Administrative Law Judge enter an order consistent with this filing.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division


Douglas M. Brown
Attorney-Legal Division
State Bar No. 240483866
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

w/permission


DOCKET NO. 42957
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 30, 2015 in accordance with P.U.C. PROC. R. 22.74.

Doug Brown w/permission
Douglas M. Brown
Steph Mac

PUC DOCKET NO. 42957

APPLICATION OF BAYLOR WATER	§	
SUPPLY CORPORATION TO AMEND	§	PUBLIC UTILITY COMMISSION OF
A CERTIFICATE OF CONVENIENCE	§	TEXAS
AND NECESSITY IN ARCHER,	§	
BAYLOR, KNOX, AND YOUNG	§	
COUNTIES (37832-C)	§	

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of Baylor Water Supply Corporation (Baylor WSC or Applicant) to amend its water certificate of convenience and necessity (CCN) No. 11605 in Archer, Baylor, Knox, and Young Counties. The Public Utility Commission of Texas Staff recommended approval of this application. The application is approved.

The Public Utility of Commission of Texas (Commission) adopts the following finding of facts and conclusions of law:

I. FINDINGS OF FACT

1. On January 16, 2014, Baylor WSC filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend and expand its water CCN No. 11605 in Archer, Baylor, Knox, and Young Counties.
2. These areas total 28,349 acres and currently have 857 customers.
3. The proposed areas are currently receiving water from wells or trucks.
4. On May 30, 2014, the TCEQ accepted the Applicant's application for filing, and directed Baylor WSC to provide public notice of its application to affected parties in accordance with P.U.C. SUBST. R. 24.106 and to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Archer, Baylor, Knox, and Young Counties.
5. On April 17, 2014, the Baylor WSC provided the TCEQ with copies of the notices as well as affidavits stating that it provided notice to all proper parties on March 31, 2014

and published notice according to the TCEQ's direction on March 31, 2014 and April 3, 2014.

6. On September 1, 2014, pursuant to House Bill 1600 and Senate Bill 567 of the 83rd Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred from TCEQ to the PUC.
7. No protests or request for hearing have been filed in this docket.
8. A public hearing on the merits was not necessary.
9. On August 5, 2014, Commission Staff transmitted a map and tariff for CCN No. 11605 prepared by Staff to Baylor WSC for review and consent.
10. On August 22, 2014, an authorized party for Baylor WSC signed documents consenting to the map.
11. The map described in Findings of Fact 9 and 10 is attached to this order.
12. On January 23, 2015, Staff recommended that Baylor WSC's Application be approved.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to the TEXAS WATER CODE ANN. §§ 13.041, 13.241, 13.244, 13.246 and P.U.C. SUBST. R. §§24.101 – 24.107.
2. Baylor WSC is a retail public utility as defined in TEXAS WATER CODE ANN. § 13.002(19) and P.U.C. SUBST. R. 24.3(41).
3. Public notice of the Application was provided as required by TEXAS WATER CODE ANN. § 13.246 and P.U.C. SUBST. R. 24.106.
4. This Application was processed in accordance with the requirements of TEXAS WATER CODE ANN. § 13.241, P.U.C. SUBST. R. 24.102 and 24.105.
5. After considering the factors in TEXAS WATER CODE ANN. § 13.246(c), Baylor WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.

6. Baylor WSC has demonstrated that the Application meets the requirements set forth in the TEXAS WATER CODE ANN. §§ 13.241, 13.244, and 13.246 and P.U.C. SUBST. R. 24.101 and 24.102 to be granted an amendment to its CCN.
7. Pursuant to TEXAS WATER CODE ANN. § 13.246(b) Baylor WSC demonstrated that the certificate transfer requested in this application is necessary for the service, accommodation, convenience, and safety of the public.
8. The requirements for informal disposition pursuant to P.U.C. PROC. R. 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. Baylor WSC's Application is approved.
2. Baylor WSC's CCN No. 11605 is hereby amended to reflect that Baylor WSC is to provide retail water service to the requested areas in Archer, Baylor, Knox, and Young Counties. .
3. Baylor WSC shall serve every future customer and applicant for service within the area certified under the CCN No. 11605, and such service shall be continuous and adequate.
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.

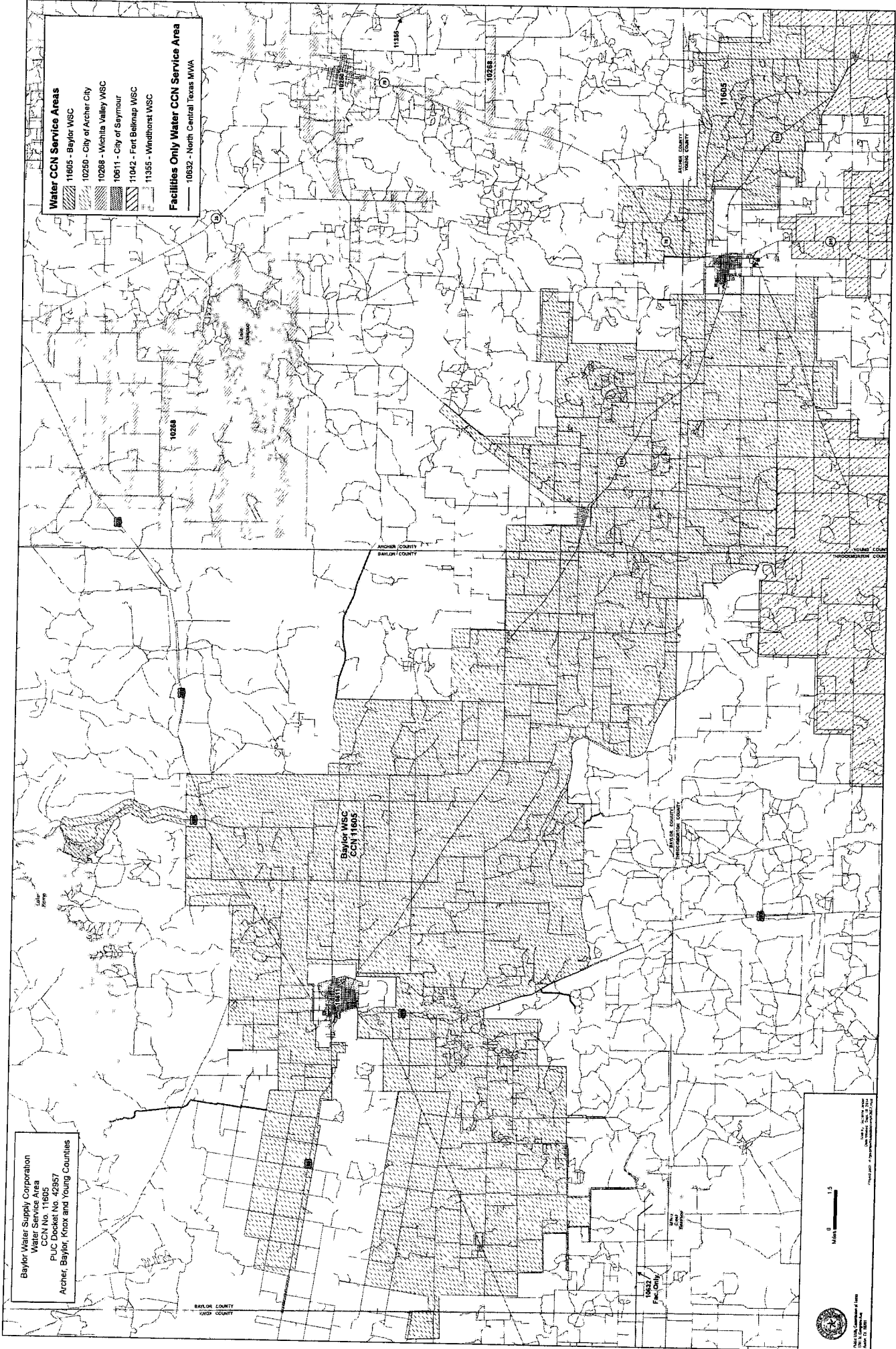
SIGNED AT AUSTIN, TEXAS the _____ day of February 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE

Baylor Water Supply Corporation
 Water Service Area
 CCN No. 11605
 P.U. Docket No. 42357
 Archer, Baylor, Knox and Young Counties

- Water CCN Service Areas**
- 11605 - Baylor WSC
 - 10250 - City of Archer City
 - 10288 - Wichita Valley WSC
 - 10611 - City of Seymour
 - 11042 - Fort Belknap WSC
 - 11355 - Windthorst WSC
- Facilities Only Water CCN Service Area**
- 10532 - North Central Texas MWA



Map Scale: 1" = 1.5 Miles

Map No. 11605

Map Date: 12/15/2011

Map Title: Baylor Water Supply Corporation Water Service Area

Map Author: [Name]

Map Editor: [Name]

Map Reviewer: [Name]

Map Approver: [Name]

Map Status: [Status]

Map Version: [Version]

Map File: [File Name]

Map Path: [Path]

Map Project: [Project Name]

Map Client: [Client Name]

Map Contact: [Contact Information]

Map Notes: [Notes]

CONSENT FORM

Applicant's Name: Baylor WSC
Application No.: 37832-C

- ☒ I concur with the map transmitted by letter dated August 5, 2014.
- ☐ I do not concur with the map transmitted by letter dated August 5, 2014. I understand that I have 45 days from the date of this letter to provide my response.

I am authorized by Baylor WSC to sign this form.

Signature: Brian Howard

Printed Name: Brian Howard

Relationship to Applicant: CONSULTING ENGINEER

Date signed: AUGUST 22, 2014

Mail or fax to:
Debbie Reyes Tamayo
Utilities Financial Review Team
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax: (512) 239-6972



Public Utility Commission of Texas

By These Presents Be It Known To All That

Baylor Water Supply Corporation

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. 11605

to provide continuous and adequate water utility service to that service area or those service areas in Archer, Baylor, Knox and Young Counties as by final Order or Orders duly entered by this Commission, which Order resulting from Docket No. 42957 is on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty Baylor 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, the _____ day of _____ 2014.