



Control Number: 42964



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DOCKET NO. 42964

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APPLICATION OF THE CITY OF §
BONHAM TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR DUAL §
CERTIFICATION WITH §
SOUTHWEST FANNIN COUNTY §
SPECIAL UTILITY DISTRICT AND §
WHITE SHED WATER SUPPLY §
CORPORATION AND TO §
DECERTIFY PORTIONS OF THE §
CERTIFICATED AREA HELD BY §
BOIS D'ARC MUNICIPAL UTILITY §
DISTRICT AND RAVENNA §
NUNNELEE WATER SUPPLY §
CORPORATION IN FANNIN COUNTY §
(35091-C) §

**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF APPROVAL

This Notice addresses the two applications of the City of Bonham to obtain dual certification with a portion of certificate of convenience and necessity (CCN) Nos. 12406 and 10170 and decertify a portion of CCN No. 11753, as well as to amend water CCN No. 11186 and sewer CCN No. 20460 in Fannin County. The two applications were consolidated into Docket No. 42964. Commission Staff recommended approval of the application. The application is approved.

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

I. Findings of Fact

Procedural History, Description and Background

1. On August 31, 2005, Bonham filed two applications¹ with the Texas Commission on Environmental Quality (TCEQ) requesting the following actions:

¹ TCEQ assigned numbers 35091-C and 35092-C to the applications.

- a. Dual certification with a portion of Southwest Fannin County Special Utility District's water CCN No. 12406 and White Shed Water Supply Corporation's water CCN No. 10170;
 - b. Decertification of a portion of Bois D' Arc Municipal Utility District's water CCN No. 11753 and of Ravenna-Nunnelee Water Supply Corporation's water CCN No. 10155;
 - c. Amendment to Bonham's water CCN No. 11186 in Fannin County; and
 - d. Amendment to Bonham's sewer CCN No. 20460 in Fannin County.
2. The total area requested for water service includes approximately 16,618 acres and 3,382 current customers.
 3. The total area requested for sewer service includes approximately 16,618 acres and 3,051 current customers.
 4. Sixty-nine protests were received, including a protest by White Shed WSC, and the matter was referred to the State Office of Administrative Hearings (SOAH) in 2006.
 5. The following entities were designated as parties at a SOAH preliminary hearing on June 13, 2006: Bonham, Bois D' Arc MUD, Southwest Fannin SUD, Ravenna-Nunnelee, and the Executive Director of TCEQ. White Shed WSC did not attend the hearing.
 6. Bonham and Bois D' Arc reached a settlement agreement on October 17, 2006. The agreement resulted in Bonham amending the water application to remove area overlapping with Bois D' Arc. Bonham and Bois D' Arc agreed to dual certification to certain area.
 7. Bonham and Ravenna-Nunnelee reached a similar settlement agreement on January 12, 2009 to exclude some overlapping area and to be dually certified in a portion of Ravenna-Nunnelee WSC's service area.
 8. Bonham and Southwest Fannin SUD reached a settlement agreement on January 27, 2011 whereby Southwest Fannin SUD agreed to decertification of a portion of its service area.
 9. After Bonham reached settlements with all of the intervenors, TCEQ withdrew its opposition to the application.

10. The proceeding was dismissed from the SOAH docket on February 3, 2012, and remanded to TCEQ for administrative processing.
11. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission.
12. The applications were received by the Commission on December 17, 2014.
13. Order No. 1 was issued on August 1, 2015, requesting a status update on the proceeding, including comments on the association between TCEQ applications 35091-C and 35092-C, which were under PUC Docket Nos. 42964 and 42965, respectively.
14. On September 22, 2015, Commission Staff filed a response to Order No. 1, indicating that all the protests were resolved and withdrawn, and that TCEQ processed both applications 35091-C and 35092-C in the same proceeding, and that PUC Docket Nos. 42964 and 42965 should therefore be consolidated.
15. On September 25, 2015, Order No. 2 was issued, consolidating the proceedings and setting a procedural schedule for final disposition.
16. On December 17, 2015, Bonham submitted a signed consent form evidencing its consent to the map and certificates, which are included with this Notice.
17. On December 18, 2015, Staff recommended that the application, as amended, be approved.
18. On February 17, 2016, Order No. 4 was issued, admitting evidence into the record.

Notice

19. Notice was provided by publication in the Fannin County Special on October 11, 2005.
20. Bonham mailed notice of the application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on October 31, 2005.

Informal Disposition

21. More than 15 days have passed since completion of the notice provided in this docket.
22. All hearing requests were resolved. No issues of fact or law remain disputed by any party.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket pursuant to the Texas Water Code §§ 13.041, 13.241, and 13.246 (TWC) and 16 Texas Administrative Code §§ 24.102 and 24.107 (TAC).
2. Bonham is a retail public utility as defined in TWC § 13.002(19).
3. Bonham provided public notice of the applications in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of TWC § 13.244, 16 TAC § 24.102 and 24.105.
5. After considering the factors in TWC § 13.246(c), Bonham demonstrated adequate financial, managerial, and technical capability to provide continuous and adequate service to the requested area.
6. 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.
7. Bonham demonstrated that an amendment of water CCN No. 11086 and sewer CCN No. 20460 is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Bonham 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. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Southwest Fannin County Special Utility District 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.
10. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Ravenna-Nunnelee Water Supply Corporation 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.

11. 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. Bonham's application, as amended, is approved.
2. Bonham's water CCN No. 11186 is hereby amended to reflect that Bonham will provide retail water services to the requested service areas in Fannin County.
3. Bonham's sewer CCN No. 20460 is hereby amended to reflect that Bonham will provide retail sewer services to the requested service areas in Fannin County.
4. Bonham shall serve every customer and applicant for service within the areas certified under CCN Nos. 11186 and 20460, and such service shall be continuous and adequate.
5. Southwest Fannin County Special Utility District shall serve every customer and applicant for service within the area that remains certified under its water CCN No. 12406 and such service shall be continuous and adequate.
6. Ravenna-Nunnelee Water Supply Corporation shall serve every customer and applicant for service within the area that remains certified under its water CCN No. 10155 and such service shall be continuous and adequate.
7. Bonham shall comply with the recording requirements in TWC § 13.257(r) for the area in Fannin County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
8. Southwest Fannin County Special Utility District shall comply with the recording requirements in TWC § 13.257(r) for the area in Fannin County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.

9. Ravenna-Nunnelee Water Supply Corporation shall comply with the recording requirements in TWC § 13.257(r) for the area in Fannin County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
10. 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 the 16th day of March 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

City of Bonham

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. 11186

to provide continuous and adequate water utility service to that service area or those service areas in Fannin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42964 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 Bonham, 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 16th day of March 2016.

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

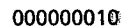
City of Bonham

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

Certificate of Convenience and Necessity No. 20460

to provide continuous and adequate sewer utility service to that service area or those service areas in Fannin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42964 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 Bonham, 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 16th day of March 2016.

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Southwest Fannin County Special Utility District

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 by this Southwest Fannin County Special Utility District, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 12406

to provide continuous and adequate water utility service to that service area or those service areas in Fannin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42964 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 Southwest Fannin County Special Utility District, 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 16th day of March 2016.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Ravenna-Nunnelee 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 by this Ravenna-Nunnelee Water Supply Corporation, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 10155

to provide continuous and adequate water utility service to that service area or those service areas in Fannin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 42964 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 Ravenna-Nunnelee 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 16th day of March 2016.