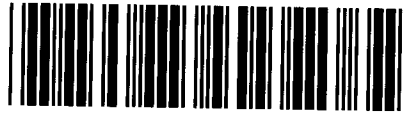




Control Number: 43070



Item Number: 13

Addendum StartPage: 0

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APPLICATION OF THE CITY OF EAST §
TAWAKONI FOR A CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
RAINS AND HUNT COUNTIES (37869-C) §

2015 MAR 27 AM 10:31
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

Staff (Staff) of the Public Utility Commission of Texas (Commission) and the City of East Tawakoni (East Tawakoni) (jointly, the Parties) file this Joint Proposed Notice of Approval and Motion to Admit Evidence regarding East Tawakoni's application to obtain a water certificate of convenience and necessity in Hunt and Rains Counties, Texas pursuant to TEX. WATER CODE (TWC) §§ 13.244, 13.246, and 13.254, and P.U.C. SUBST. R. 24.102-24.107 and 24.113. This Joint Proposed Notice of Approval includes findings of fact, conclusions of law, and ordering paragraphs. The Joint Proposed Notice of Approval is timely filed on or before March 27, 2015 pursuant to Order No. 4.

I. Motion to Admit Evidence

The Parties move to admit the following evidence into the record of this proceeding:

- a) The City of East Tawakoni's application and all attachments thereto, filed with the Texas Commission on Environmental Quality (TCEQ) on November 8, 2013 and with the Commission's Central Records Division on October 27, 2014 (Interchange item 1);
- b) Amendments to the application filed by East Tawakoni on October 27, 2014 (Interexchange item 4);
- c) Consent forms filed by East Tawakoni on March 11, 2015 (Interexchange item 11); and
- d) Commission Staff's Recommendation on Final Disposition and all attachments thereto, filed on March 13, 2015 (Interexchange item 12).

II. Proposed Notice of Approval

The attached Joint Proposed Notice of Approval would grant East Tawakoni's application to obtain a water certificate of convenience and necessity in Hunt and Rains Counties, Texas.

13

intervene and no requests for hearing were filed. Therefore, East Tawakoni and Staff are the only parties to this proceeding. There are no contested issues of law or fact in this proceeding.

III. CONCLUSION

Staff has reviewed the application and recommends its approval. Therefore, the Parties respectfully request that the Commission grant the motion to admit the evidence specified above, and adopt the attached notice of approval.

Dated: March 27, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

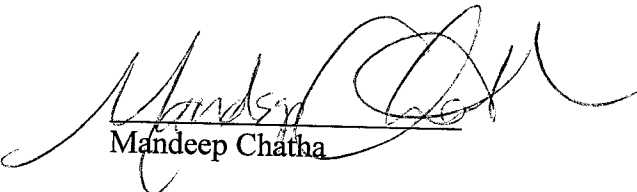
Stephen Mack
Managing Attorney
Legal Division

A handwritten signature in black ink, appearing to read 'Mandeep Chatha', is written over a horizontal line.

Mandeep Chatha
Attorney-Legal Division
State Bar No. 24082803
(512) 936-7163
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 43070
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 27, 2015 in accordance with P.U.C. PROC. R. 22.74.


Mandeep Chatha

PUC DOCKET NO. 43070

**APPLICATION OF CITY OF EAST
TAWAKONI TO OBTAIN A NEW
CERTIFICATE OF CONVENIENCE AND
NECESSITY IN HUNT AND RAINS
COUNTIES**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application of the City of East Tawakoni (East Tawakoni) for approval of an application to obtain water Certificate of Convenience and Necessity (CCN) in Hunt and Rains Counties, Texas. No motions to intervene were filed and no party filed a request for hearing. East Tawakoni and Staff are the only parties to this proceeding. Commission Staff recommended approval of the application. Consistent with Staff's recommendation, the application is approved.

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

Findings of Fact

1. On October 27, 2014, the City of East Tawakoni filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain water Certificate of Convenience and Necessity (CCN) pursuant to TEX. WATER CODE (TWC) §§ 13.244, 13.246, and 13.254, and P.U.C. SUBST. R. 24.102-24.107 and 24.113.
2. The application requested to obtain water CCN in Hunt and Rains Counties, Texas.
3. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission.

4. On October 27, 2014, the application was filed with the Commission's Central Records Division. InterOffice Memorandum from TCEQ and the Texas Municipal Advisory Report were filed on the same date. Additionally, East Tawakoni filed their notices and affidavits on the same date.
5. On December 17, 2014, the Administrative Law Judge (ALJ) issued Order No. 3, requiring Commission Staff to file an update on the status of the proceeding and propose a procedural schedule by January 16, 2015.
6. On January 16, 2015 Commission Staff filed a response to Order No. 3, recommending the preparing of maps and CCN certificate for the Applicant's review and proposed a procedural schedule.
7. On January 16, 2015, the ALJ issued Order No. 4, determining that the map preparation and CCN certificate were needed followed by a submission of a consent form to the City of East Tawakoni and requiring Staff to file a recommendation on final disposition by March 13, 2015.
8. On March 11, 2015, the City of East Tawakoni filed signed consent forms confirming the map and water CCN certificate, as prepared by Commission Staff.
9. The map and water CCN certificate referenced in Finding of Fact 8 is attached to this Order.
10. On March 13, 2015, Commission Staff filed its Recommendation on Final Disposition, recommending that East Tawakoni's application to obtain water CCN in Hunt and Rains Counties, Texas be approved.
11. No requests to intervene or requests for hearing were filed in this proceeding, therefore no hearing is necessary.
12. The city of East Tawakoni and Commission Staff are the only parties to this proceeding.

13. Consistent with Commission Staff's recommendation, East Tawakoni's request for water CCN is reasonable, consistent with the public interest, and should be approved.
14. The following evidence is admitted into the record of this proceeding: (a) East Tawakoni's application and all attachments thereto, filed with the Texas Commission on Environmental Quality (TCEQ) on November 8, 2013 and with the Commission's Central Records Division on October 27, 2014; (b) amendments to the application filed by East Tawakoni on October 27, 2014; (c) consent forms filed by East Tawakoni on March 11, 2015; and (d) Commission Staff's Recommendation on Final Disposition and all attachments thereto, filed on March 13, 2015.

Conclusions of Law

1. The Commission has jurisdiction over the subject matter of this proceeding pursuant to TEX. WATER CODE (TWC) §§ 13.041, 13.241, 13.244, 13.246, and 13.254, and P.U.C. SUBST. R. 24.101 - 24.107 and 24.113.
2. The City of East Tawakoni is a retail public utility as defined in TEX. WATER CODE §13.002 (19).
3. Public notice of this application was provided as required by TEX. WATER CODE § 13.246 and P.U.C. SUBST. R. 24.106.
4. East Tawakoni has demonstrated that the application, as amended, meets the requirements set forth in TEX. WATER CODE §§ 13.241, 13.244, 13.246, and 13.254, and P.U.C. SUBST. R. 24.101 – 24.102, 24.104-24.106 and 24.113.
5. East Tawakoni is capable of providing continuous and adequate service to its CCN area pursuant to TEX. WATER CODE § 13.241(a) and P.U.C. SUBST. R. 24.102.

6. The requirements for informal disposition pursuant to P.U.C. PROC. R. 22.35 have been met in this proceeding.

Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following ordering paragraphs.

1. East Tawakoni's application to obtain a water CCN certificate in Hunt and Rains Counties, Texas is approved, as designated in the map and CCN certificate attached to this order.
2. East Tawakoni shall serve every customer and applicant for service within the areas certified under its water CCN No. 13228, and such service shall be continuous and adequate.
3. All other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted, are denied.

SIGNED AT AUSTIN, TEXAS the ____ day of ____ 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER