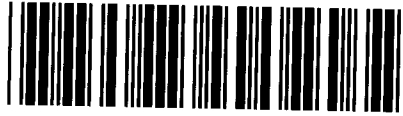




Control Number: 43119



Item Number: 25

Addendum StartPage: 0

DOCKET NO. 43119

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PUBLIC UTILITY COMMISSION  
HEARING CLERK

APPLICATION OF BRAZORIA §  
COUNTY MUNICIPAL UTILITY §  
DISTRICT NO. 22 FOR §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY AND FOR DUAL §  
CERTIFICATION WITH THE CITY §  
OF PEARLAND AND BRAZORIA §  
COUNTY MUNICIPAL UTILITY §  
DISTRICT NO. 21 IN BRAZORIA AND §  
FORT BEND COUNTIES (37946-C) §  
AND (37947-C) §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**NOTICE OF APPROVAL**

This Notice addresses the application of Brazoria County Municipal Utility District No. 22 (MUD 22) for water and sewer Certificates of Convenience and Necessity in Brazoria and Fort Bend Counties. Public Utility Commission of Texas (Commission) Staff recommended approval of the application, as amended. The application, as amended, 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 June 9, 2014, MUD 22 filed with the Texas Commission on Environmental Quality (TCEQ) two applications requesting new water and sewer certificates of convenience and necessity (CCNs) in Brazoria and Fort Bend Counties.
2. The entirety of MUD 22's requested water and sewer service area is within the City of Pearland's (Pearland) certificated water and sewer service area. A portion of MUD 22's requested water and sewer service area is within Brazoria County MUD No. 21's (MUD 21) certificated water and sewer service area. Approval of this application would result in a portion of Pearland's and MUD 21's certificated water and sewer service areas being dually certificated with MUD 22.
3. On May 30, 2014 and July 9, 2013, MUD 21 and Pearland, respectively, consented to the issuance of new water and sewer CCNs to MUD 22 in the area overlapping those entities' service areas.

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4. On August 18, 2014, TCEQ accepted the applications for filing, but directed MUD 22 to provide revised notice to customers and to submit a copy of its revised notice mailed to customers along with signed affidavits supported the revised notice by September 30, 2014.
5. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission. Both applications, previously pending at the TCEQ, were transferred to the Commission for review. The Commission received the applications on September 19, 2014.
6. Currently, no service is being provided in the requested area.
7. MUD 22 has entered into a joint facilities and cost sharing agreement with MUD 21, which states that MUD 21 will provide water supply and wastewater treatment to MUD 22 for use in the proposed area. MUD 22 will also construct its own water distribution and wastewater collections systems. The first three phases of construction of MUD 22's water distribution system were approved by TCEQ on August 20, 2014 and Public Water System ID No. 0200706 was assigned. The first three phases of construction of MUD 22's wastewater collection systems were approved by TCEQ on February 5, 2014.
8. On October 10, 2014, Order No. 2 was issued requiring Commission Staff to provide an update on the status of the proceeding, a recommendation on the need for a hearing or on final disposition of the applications, or to propose a procedural schedule. Additionally, Order No. 2 consolidated Docket No. 43119 (MUD 22's water CCN application) and Docket No. 43120 (MUD 22's sewer CCN application) into Docket No. 43119.
9. The Commission did not receive MUD 22's revised notices and affidavits by the September 30, 2014 deadline established by TCEQ. These documents may have inadvertently been omitted from the database transfers from TCEQ to the Commission. Order No. 3, issued on November 4, 2014 stated that MUD 22 had indicated it would refile the documents with the Commission.
10. On November 10, 2014, MUD 22 filed its revised notices published and mailed to customers along with signed affidavits supporting the revised notices.

11. On November 17, 2014, Commission Staff filed its response to Order No. 3 in which Commission Staff recommended that the applications and revised notices were sufficient and that no hearing on the applications was necessary.
12. On December 1, 2014, Order No. 4 was issued, finding the consolidated application and notice sufficient and adopting a procedural schedule.
13. On April 17, 2015 and May 4, 2015, the MUD 22 filed additional information regarding its ability to provide continuous and adequate service to the requested area.
14. On June 30, 2015, Order No. 5 was issued, directing Commission Staff to file a recommendation on sufficiency of the additional information and file a proposed procedural schedule.
15. On July 10, 2015, Commission Staff filed its Response to Order No. 5 in which Commission Staff recommended that the additional information submitted by the MUD 22 was sufficient to show that MUD 22 had the ability to provide continuous and adequate service and proposed a procedural schedule for the remainder of the proceeding.
16. On July 13, 2015, Order No. 6 was issued, adopting additional procedural schedule, directing MUD 22 to file signed consent forms for the certificates and maps revised by Commission Staff and directing Commission Staff to file a final recommendation by August 28, 2015.
17. On June 16, 2015, the President of MUD 22 filed a signed consent form confirming the maps and certificates, as prepared by Commission Staff.
18. On July 10, 2015, the President of MUD 21 filed a signed consent form confirming the maps and certificates, as prepared by Commission Staff.
19. On July 20, the City Attorney for Pearland signed consent forms on behalf of MUD 21 and MUD 22 and on July 24, 2015, the City Attorney for Pearland filed signed a consent form on behalf of Pearland confirming the maps and certificates, as prepared by Commission Staff.
20. The CCN certificates and maps referenced in Findings of Fact Nos. 17-19 are attached to this Notice.

21. On August 28, 2015, Commission Staff recommended approval of the application.

Notice

22. On August 28 and September 4, 2014, notice was published in the Houston Chronicle.

23. On September 25, 2014, notice was mailed to all affected and interested parties.

24. On November 5, 2014, the Commission received MUD 22's signed affidavits attesting to mailed and published notice, including copies of the individual notices sent.

Evidentiary Record

25. On October 27, 2015, Order No. 7 was issued, admitting the requested evidence into the record of this proceeding.

Informal Disposition

26. More than 15 days have passed since completion of the notice provided in this docket.

27. MUD 22, MUD 21, Pearland, and Commission Staff are the only parties to this proceeding.

28. There are no issues in dispute and no protests or requests for hearing were filed in this docket, therefore no hearing is necessary.

**II. Conclusions of Law**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code §§ 13.041, 13.241, 13.244 and 13.246 (TWC).
2. MUD 22, MUD 21 and Pearland are retail public utilities as defined in TWC § 13.002(19).
3. MUD 22 provided notice in compliance with TWC § 13.246 and 16 Tex. Admin. Code § 24.106 (TAC).
4. The application was processed in accordance with the requirements of TWC § 13.244, 16 TAC §§ 24.102 and 24.105.
5. 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.
6. After considering the factors in TWC § 13.246(c), MUD 22 has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate water service to the requested area as required by TWC § 13.241.

7. After considering the factors in TWC § 13.246(c), MUD 22 has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate sewer service to the requested area as required by TWC § 13.241.
8. Approval of the water certificate requested in this application is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
9. Approval of the sewer certificate requested in this application is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
10. 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. MUD 22's application, as amended, is approved.
2. MUD 22 is granted water CCN No. 13229 in Brazoria and Fort Bend Counties.
3. MUD 22 is granted sewer CCN No. 21083 in Brazoria and Fort Bend Counties
4. MUD 21's water CCN No. 13042 is amended to show that a portion of the certificated area is dually certificated to MUD 22.
5. MUD 21's sewer CCN No. 20945 is amended to show that a portion of the certificated area is dually certificated to MUD 22.
6. Pearland's water CCN No. 11008 is amended to show that a portion of the certificated area is dually certificated to MUD 22.
7. Pearland's water CCN No. 20403 is amended to show that a portion of the certificated area is dually certificated to MUD 22.
8. MUD 22 shall serve every customer and applicant for service within the areas certified under its CCN No. 13229 and such service shall be continuous and adequate.

9. MUD 22 shall serve every customer and applicant for service within the areas certified under its CCN No. 21083 and such service shall be continuous and adequate.
10. 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 27<sup>th</sup> day of October 2015.

**PUBLIC UTILITY COMMISSION OF TEXAS**



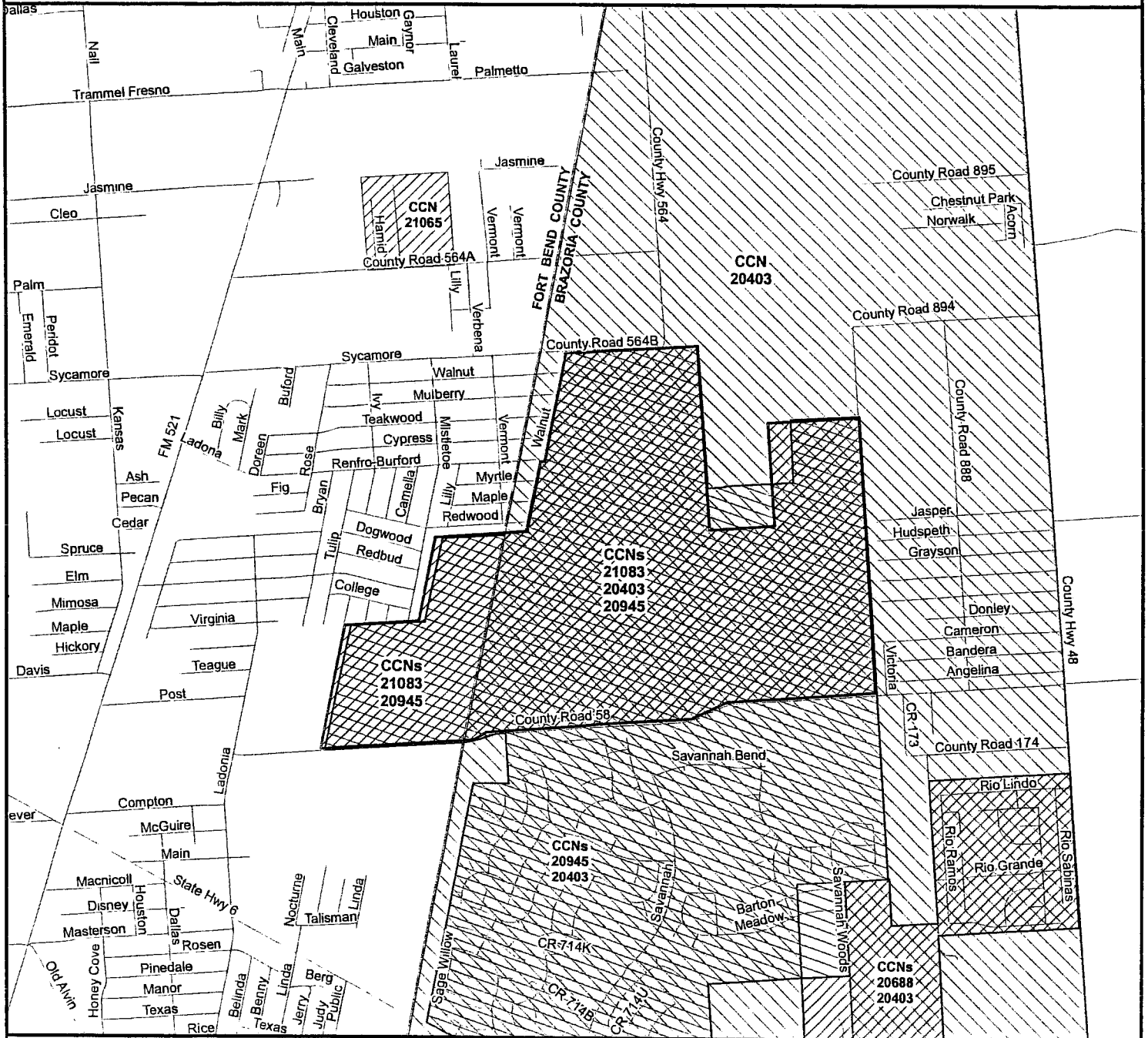
**SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**










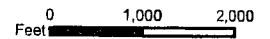
**Brazoria County MUD No. 22  
Sewer Service Area  
CCN No. 21083  
PUC Docket No. 43119**

**Obtained Dual Certification with City of Pearland, CCN No. 20403  
and Brazoria County MUD No. 21, CCN No. 20945  
in Brazoria and Fort Bend Counties**



**Sewer CCN Service Areas**

-  21083 - Brazoria County MUD 22
-  20403 - City of Pearland
-  20945 - Brazoria County MUD 21
-  20688 - Gulf Coast Utility Co Inc
-  21065 - Aqua Texas Inc



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

Map by: Suzanne Burt  
Date created: March 16, 2015  
Project path: n:\gis\projects\applications\43119\_sewer.mxd



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

## **Brazoria County Municipal Utility District No. 22**

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. 13231**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Brazoria County Municipal Utility District No. 22, 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 27<sup>th</sup> day of October 2015



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

## **Brazoria County Municipal Utility District No. 22**

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. 21083**

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Brazoria County Municipal Utility District No. 22, 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 27<sup>th</sup> day of October 2015



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

## **Brazoria County Municipal Utility District No. 21**

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. 13042**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Brazoria County Municipal Utility District No. 21, 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 27<sup>th</sup> day of October 2015



# Public Utility Commission of Texas

## By These Presents Be It Known To All That Brazoria County Municipal Utility District No. 21

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. 20945

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Brazoria County Municipal Utility District No. 21, 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 27<sup>th</sup> day of October 2015



# Public Utility Commission of Texas

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

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. 11008**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Pearland, 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 27<sup>th</sup> day of October 2015



# Public Utility Commission of Texas

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

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. 20403**

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria and Fort Bend Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43119 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 Pearland, 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 27<sup>th</sup> day of October 2015