



Control Number: 43241



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**DOCKET NO. 43241**

FILED

2015 JAN 20 PM 1:40

**APPLICATION OF ORBIT SYSTEMS,  
INC. TO AMEND A CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
BRAZORIA COUNTY (37755-C)**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Final Disposition. In support of its Recommendation, Staff states the following:

**I. BACKGROUND**

On October 9, 2013, Orbit Systems, Inc. (Applicant or Orbit) filed with the Texas Commission on Environmental Quality (TCEQ) an application (Application) to amend its water certificate of convenience and necessity (CCN) No. 11982 in Brazoria County, Texas, pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254 and 30 TEX. ADMIN. CODE § 291.113<sup>1</sup>. On November 20, 2013, the TCEQ accepted the Applicant's application for filing, and directed to parties to provide public notice pursuant to 30 TEX. ADMIN. CODE § 291.106. 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. In accordance with the requirement in Order No. 3 for Staff to file a recommendation on final disposition by January 20, 2015, this pleading is timely filed.

**II. RECOMMENDATION ON FINAL DISPOSITION**

Based on the foregoing facts as well as the attached documentation and memorandum of Leila Guerro, Program Specialist, Water Utilities Division, the Applicant has met all required

<sup>1</sup> Currently P.U.C. SUBST. R. 24.113.

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criteria and Staff recommends approval of the Application. The Application demonstrates that the amendment to the CCN is necessary for the service, accommodation, convenience and safety of the public, and Orbit is capable of providing continuous and adequate service.

### III. CONCLUSION

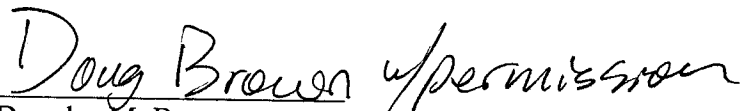
Staff respectfully requests that the Administrative Law Judge enter an order in accordance with this filing.


**Date: January 20, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

  
Douglas M. Brown  
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**DOCKET NO. 43241**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 20, 2015 in accordance with P.U.C. PROC. R. 22.74.

Doug Brown *up/permissions*  
Douglas M. Brown *Supervisor*

# *Public Utility Commission of Texas*

## **Memorandum**

**TO:** Douglas Brown, Attorney  
Legal Division

**THRU:** Tammy Benter, Director  
Water Utilities Division

**FROM:** Leila C. Guerrero, Regulatory Accountant/Auditor  
Water Utilities Division

**DATE:** January 13, 2015

**SUBJECT:** Docket No. 43241, Application of Orbit Systems, Inc. to amend Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County (Application No. 37755-C)

On November 20, 2013, Orbit Systems, Inc., filed with the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Convenience and Necessity (CCN) No. 11982, in Brazoria 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 was reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 and 24.107.

The applicant meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations. Approving this application to amend CCN No. 11982 is necessary for the service, accommodation, convenience and safety of the public.

The applicant is capable of providing continuous and adequate service. Staff recommends approval of the application.