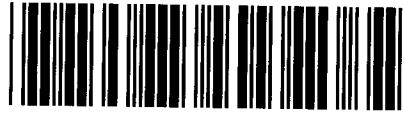




Control Number: 43241



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 43241

RECEIVED
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PUBLIC UTILITY COMMISSION
CLERK
OF TEXAS

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

COMMISSION STAFF'S JOINT PROPOSED FINAL NOTICE OF APPROVAL

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Joint Proposed Final Notice of Approval. In support of this filing, 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 § 291.113¹. 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 Joint Proposed Notice of Approval by February 13, 2015, this pleading is timely filed.

¹ Currently P.U.C. SUBST. R. 24.113.

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II. PROPOSED NOTICE OF APPROVAL

Pursuant to Order No. 3, Staff recommends approval of the attached Joint Proposed Notice of Approval fully and finally disposing of all issues in this proceeding. The attachment also includes the CCN No. 11982, a map of the CCN service area, a consent form, and the tariff.

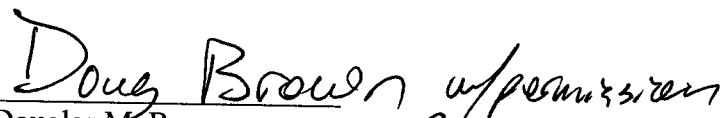
III. CONCLUSION

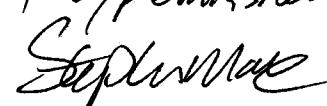
Staff respectfully requests that the Administrative Law Judge enter an order consistent with this filing.

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



DOCKET NO. 43241
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 13, 2015 in accordance with P.U.C. PROC. R. 22.74.

Doug Brown
Douglas M. Brown
Supervisor

PUC DOCKET NO. 43241

**APPLICATION OF ORBIT SYSTEMS,
INC. TO AMEND CERTIFICATE OF
CONVENIENCE AND NECESSITY NO.
11982 IN BRAZORIA COUNTY**

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§

PUBLIC UTILITY COMMISSION OF

TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application (Application) of Orbit Systems, Inc. (Orbit or Applicant) to amend its water certificate of convenience and necessity (CCN) No. 11982 in Brazoria County. 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 October 9, 2013, Orbit filed with the Texas Commission on Environmental Quality (TCEQ) an Application to amend and expand its water CCN No. 11982 in Brazoria County.
2. This area totals 35 acres and currently have 0 customers.
3. Orbit has received requests for service in the proposed area
4. TCEQ issued a Notice of Deficiency to Orbit on February 19, 2013.
5. On November 20, 2013, the TCEQ accepted the Applicant's Application for filing, and directed Orbit 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 Brazoria County.

6. On May 6, 2014, Orbit provided the TCEQ with copies of the notices as well as affidavits stating that it provided notice to all proper parties on April 17, 2014 and published notice on April 19, 2014 and April 26, 2014.
7. 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.
8. No protests or request for hearing have been filed in this docket.
9. A public hearing on the merits was not necessary.
10. On December 3, 2014, Commission Staff transmitted a map and tariff for CCN No. 11982 prepared by Staff to Orbit for review and consent.
11. On December 4, 2014, an authorized party for Orbit signed documents consenting to the map.
12. The map described in Findings of Fact 10 and 11 is attached to this order.
13. This Joint Proposed Notice of Approval and its attachments was reviewed by Orbit, and Orbit does not object to it.
14. On January 20, 2015, Staff recommended that Orbit'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. Orbit 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), Orbit has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.
6. Orbit 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) Orbit 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. Orbit's Application is approved.
2. Orbit's CCN No. 11982 is hereby amended to reflect that Orbit is to provide retail water service to the requested areas in Brazoria County.
3. Orbit shall serve every future customer and applicant for service within the area certified under the CCN No. 11982, 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

**SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE**



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Orbit Systems, Inc.

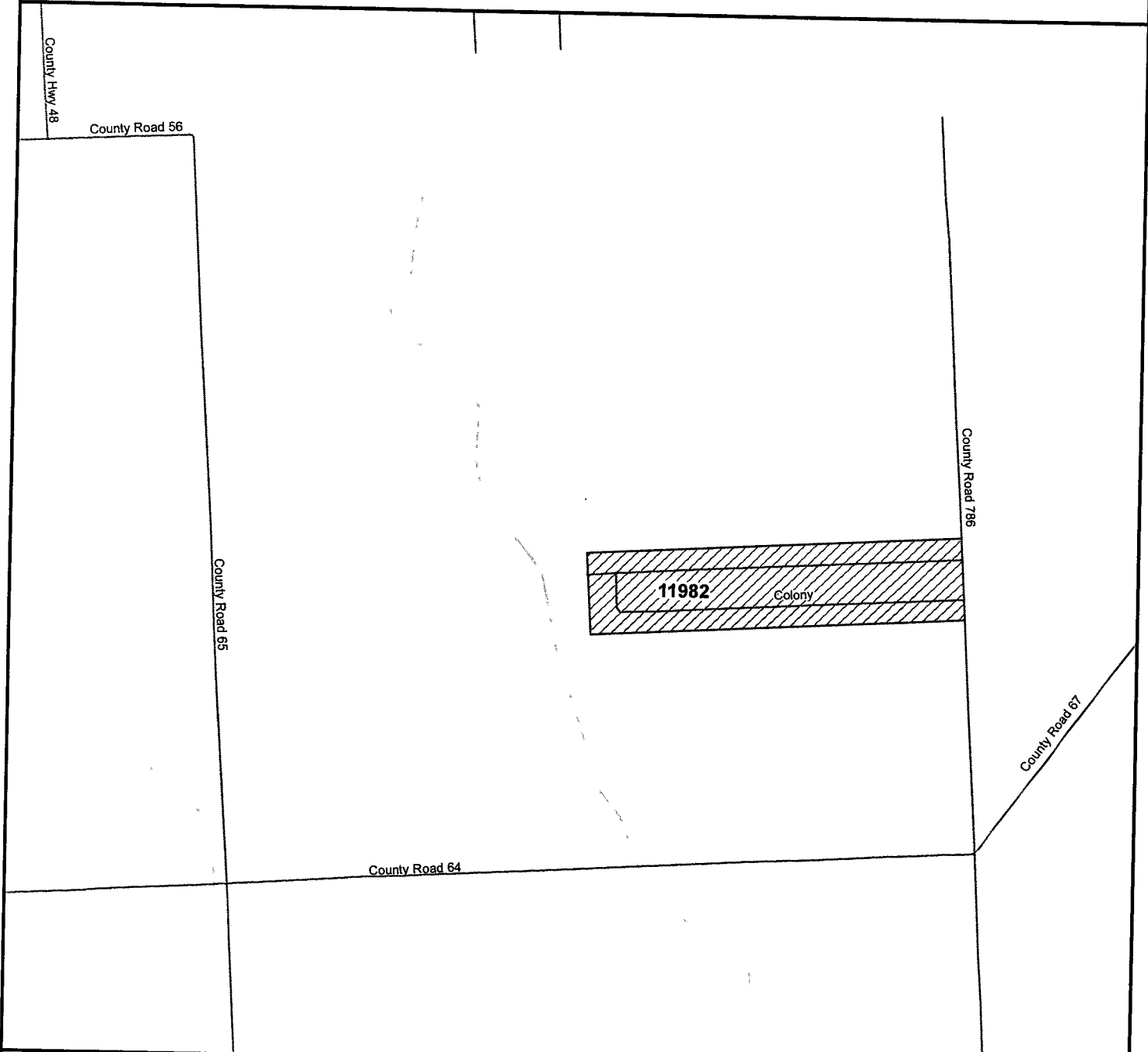
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11982


to provide continuous and adequate water utility service to that service area or those service areas in Brazoria County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43241 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 Orbit Systems, Inc., 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.

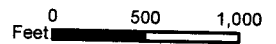
Issued at Austin, Texas, this _____ day of _____ 2014

Orbit Systems, Inc.
Portion of Water Service Area
CCN No. 11982
PUC Docket No. 43241
Brazoria County



Water CCN Service Area

 11982 - Orbit Systems Inc



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

Map by: Suzanne Jaster
Date created: Oct. 8, 2014
Project path: c:/gis/projects/applications/43241.mxd

CONSENT FORM

Applicant's Name: Orbit Systems, Inc.
Docket No.: 43241 (Application No. 37755-C)

- I concur with the map and tariff(s) contained in the staff memorandum transmitted by letter dated **December 3, 2014.**
- I do not concur with and intend to respond to the proposed map and tariff(s) contained in the staff memorandum transmitted by letter dated **December 3, 2014.**

I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by Orbit Systems, Inc. to sign this form.

Signature: Peggy Paul

Printed Name: Peggy Paul

Relationship to Applicant: President

Date signed: 12/4/2014

E-mail to:
Leila C. Guerrero
Water Utilities Division
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711-3326
leila.guerrero@puc.texas.gov



WATER UTILITY TARIFF
Docket Number: 43241

Orbit Systems, Inc.
(Utility Name)

1302 Airline North
(Business Address)

Rosharon, Texas 77583
(City, State, Zip Code)

(281) 369-2041
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11982

This tariff is effective in the following counties:

Brazoria, Fort Bend and Matagorda

This tariff is effective in the following cities or unincorporated towns (if any):

City of Manvel (Brandi Estates)

“The rates set or approved by the city for the systems within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the TCEQ and will have to be obtained from the city or utility.”

This tariff is effective in the following subdivisions and public water systems:

See attached list

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE.....	2
SECTION 2.0 -- SERVICE RULES AND POLICIES.....	4
SECTION 3.0 -- EXTENSION POLICY	12
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN.....	17
APPENDIX A -- SAMPLE SERVICE AGREEMENT	
APPENDIX B -- APPLICATION FOR SERVICE	

This tariff is effective in the following subdivisions or systems:

PWS #	Subdivision/Facility Name	County
0790425	723 Utility	Fort Bend
0200244	Angle Acres Mobile Home Park	Brazoria
0200245	Beechwood	Brazoria
0200358	Bayou Colony Subdivision	Brazoria
0200338	Bernard Oaks	Brazoria
0200323	Blue Sage Gardens	Brazoria
0200325	Brandi Estates *	Brazoria
0200639	Brazos Oaks Subdivision	Brazoria
0200410	Briar Meadows	Brazoria
0200324	Colony Cove	Brazoria
0200604	Colony Trails	Brazoria
0200275	Coronado Country	Brazoria
0200274	Country Acres Estates	Brazoria
0200273	Country Meadows	Brazoria
0790510	Crystal Lake Estates	Fort Bend
0200185	Demi-John Place	Brazoria
0200234	Demi-John Island	Brazoria
0200360	Grasslands (Airline Road Est)	Brazoria
0200339	Larkspur	Brazoria
0200506	Lee Ridge	Brazoria
0200432	Mark V Subdivision	Brazoria
0200094	Mooreland	Brazoria
0200566	Oak Meadows	Brazoria
0200597	Paloma Acres Subdivision	Brazoria
0200592	Quail Valley Ranches Sec. IV	Brazoria
0200058	Riverside Estates	Brazoria
0200346	Rosharon Road Estates	Brazoria
0200036	Rosharon Township	Brazoria
0200108	Ryan Long II	Brazoria
0200460	San Bernard River Estates	Brazoria
0200335	Sandy Meadows	Brazoria
0200053	Snug Harbor	Brazoria
1610102	Spanish Bit Plantation	Matagorda
0200624	Stoneridge Lakes Subdivision	Brazoria
0790504	Tejas Lakes	Fort Bend
0790013	Televue	Fort Bend
0200638	Village Lakes	Brazoria
0200083	Wilco Water/Holiday Beach	Brazoria
0200370	Wolf Glen	Brazoria

*Brandi Estates subject to City of Manvel Approval

Docket Number: 43241

SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Base Rate</u>	<u>Gallage Charge</u>
5/8" or 3/4"	<u>\$35.00</u> (Includes 0 gallons)	<u>\$3.00</u> per 1000 gallons
1"	<u>\$70.00</u>	
1 1/2"	<u>\$175.00</u>	
2"	<u>\$280.00</u>	
3"	<u>\$480.00</u>	
4" & larger	<u>\$800.00</u>	

***Brazoria County Groundwater Conservation District Production Fee. \$0.03 per 1,000 gallons of water usage**

FORM OF PAYMENT: The utility will accept the following forms of payment:
 Check X, Money Order X, Other (specify) Online Payment or Automatic Bank Draft
 THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT
 PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE
 GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT 1.0%
 TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL
 MONTHLY BILL.

Section 1.02 - Miscellaneous Fees

TAP FEE \$600.00
 TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD
 RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED
 IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) Actual Cost
 FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL
 AREAS.

TAP FEE (Large meter) Actual Cost
 TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE
 INSTALLED.

METER RELOCATION FEE..... Actual Relocation Cost, Not to Exceed Tap Fee
 THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE
 RELOCATED.

METER TEST FEE..... \$25.00
 THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER
 REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT
 THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

SECTION 1.0 - RATE SCHEDULE (Continued)

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non-payment of bill (Maximum \$25.00) \$25.00
- b) Customer's request that service be disconnected \$50.00

TRANSFER FEE..... \$25.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL)..... \$5.00

TCEQ RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE \$25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) \$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [P.U.C. Subst. R. 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

PURCHASED WATER AND/OR DISTRICT FEE PASS THROUGH CLAUSE:

Changes in fees imposed by any non-affiliated third party water supplier or underground water district having jurisdiction over the Utility shall be passed through as an adjustment to the water gallonage charge according to the following formula:

AG=G + B/(1-L), where

AG= adjusted gallonage charge, rounded to the nearest one cent:

G= approved gallonage charge (per 1,000 gallons);

B=change in purchased water/district gallonage charge (per 1,000 gallons);

L=system average line loss for preceding 12 months not to exceed 0.15