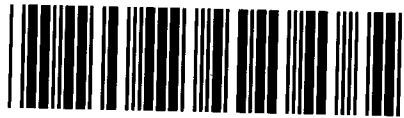


Control Number: 43355



Item Number: 33

Addendum StartPage: 0

**PUC DOCKET NO. 43355**

**APPLICATION OF BEAR SPRINGS  
WATER CO., INC. AND BEAR  
SPRINGS TRAILS WATER SUPPLY  
CORPORATION, INC. FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
BANDERA COUNTY (37912-C)**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

FILED  
2015 OCT 23 AM 9:49  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Proposed Notice of Approval and Motion to Submit Evidence, and would show the following:

**I. BACKGROUND**

On May 9, 2014, Bear Springs Water Co., Inc. and Bear Springs Trails Water Supply Corporation, Inc. (Applicants) filed an application for the sale, transfer, or merger of facilities and certificates of convenience and necessity in Bandera County. On October 13, 2015, Order No. 9 was issued, setting October 23, 2015 as the deadline for parties to submit a Proposed Notice of Approval.

**II. REQUEST TO ADMIT EVIDENCE**

Staff requests to admit the following evidence: (a) the Application and all attachments, filed on May 6, 2014; (b) supplemental information filed on December 14, 2014; (c) the affidavits of notice as filed on April 20, 2015; and (b) Commission Staff's final recommendation and all attachments, filed on October 9, 2015.

**III. PROPOSED NOTICE OF APPROVAL**

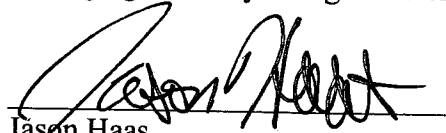
Pursuant to Order No. 9, Staff recommends approval of the attached Proposed Notice of Approval. The Applicants have reviewed and agree with the Proposed Notice of Approval

**Dated: October 23, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director – Legal Division

Karen S. Hubbard  
Managing Attorney – Legal Division



Jason Haas  
Attorney-Legal Division  
State Bar No. 24032386  
(512) 936-7295 (telephone)  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 23, 2015, in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas

**PUC DOCKET NO. 43355**

APPLICATION OF BEAR SPRINGS	§	
WATER CO., INC. AND BEAR	§	PUBLIC UTILITY COMMISSION
SPRINGS TRAILS WATER SUPPLY	§	
CORPORATION, INC. FOR SALE,	§	
TRANSFER, OR MERGER OF	§	OF TEXAS
FACILITIES AND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	
BANDERA COUNTY (37912-C)	§	

**PROPOSED NOTICE OF APPROVAL**

This Proposed Notice of Approval addresses Bear Springs Trails Water Supply Corporation (BST WSC) and Bear Springs Water Co., Inc. (Bear Springs Water) (collectively Applicants) for the transfer of all the water facilities, customers and service area of water Certificate of Convenience and Necessity (CCN) No. 12963 from Bear Springs Water to BST WSC in Bandera County pursuant to Tex. Water Code Ann. § 13.301 (TWC) and 16 Tex. Admin Code §§ 24.109 and 24.112 (TAC). Public Utility Commission of Texas (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 May 6, 2014, Bear Springs Water filed an application with the Texas Commission on Environmental Quality (TCEQ) for the transfer of certificated water service in Bandera County to BST WSC and the transfer of CCN No. 12963 to BST WSC.
2. Bear Springs Water holds water CCN No. 12963 and is a retail public utility in Bandera County.
3. On September 1, 2014, the rates and CCN programs relating to water and sewer service were transferred from TCEQ to the Commission. The Application was part of the transfer and is now under the Commission's purview.
4. On October 1, 2014, Order No. 2 was issued, requiring that Commission Staff file a comment on the status of the application, recommendation on the need for a hearing or on the final disposition of the application, or propose a procedural schedule if necessary.

5. On October 22, 2014, Staff filed a status report indicating that the application was not administratively complete.
6. On December 14, 2014, Bear Springs Water filed supplemental information relating to the application.
7. On March 10, 2015, Staff filed its Response to Order No. 6, recommending that the application be declared administratively complete.
8. On March 12, 2015, Order No. 7 was issued deeming the application administratively complete.
9. On April 20, 2015, Bear Springs Water filed an affidavit attesting to the provision and publication of notice.
10. On May 15, 2015, Commission Staff issued its Response to Order No. 7, recommending that BST WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the proposed area, and recommending that the proposed transaction be completed.
11. On May 22, 2015, Order No 8 was issued, authorizing that the sale between Bear Springs Water and BST WSC proceed.
12. On August 12, 2015, closing documents for the transaction were filed.
13. On September 14, 2015, BST WSC provided a signed consent form consenting to the map and certificate for BST WSC's water CCN.
14. On October 6, 2015, Bear Springs Water provided a signed consent form consenting to the map and certificate for BST WSC's water CCN.
15. The map and certificate referenced in findings of fact 13 and 14 are attached to this notice of approval.
16. On October 9, 2015, Commission Staff issued its final recommendation that the closing documents were in compliance with the requirements of 16 TAC § 24.109(g), and that the Applicants meet all of the statutory and regulatory requirements and that approving the Application is necessary for the service, accommodation, convenience and safety of the public.

17. On October 23, 2015, Commission Staff filed the proposed Notice of Approval and a request to admit the following evidence: (a) the Application and all attachments, filed on May 6, 2014; (b) supplemental information filed on December 14, 2014; (c) the affidavits of notice as filed on April 20, 2015; and (b) Commission Staff's final recommendation and all attachments, filed on October 9, 2015.
18. On \_\_\_\_, Order No. 10 was issued, granting Staff's request to admit evidence.

**Notice**

19. Notice was mailed to current customers and neighboring systems and cities on March 31, 2015, and notice was published in the *Bandera County Courier* on April 2 and 9, 2015.

**Informal Disposition**

20. More than 15 days have passed since completion of the notice provided in this docket.
21. Bear Springs Water, BST WSC, and Commission Staff are the only parties to this proceeding.
22. No protests, motions to intervene, or requests for hearing were filed in this docket; therefore, no hearing was necessary.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over these matters pursuant to TWC §§ 13.246, 13.254, 13.301 and 16 TAC §§ 24.109 and 24.112.
2. Bear Springs Water is a retail public utility as defined in TWC § 13.002 and 16 TAC § 24.3(41).
3. Public notice of the Application was provided as required by TWC § 13.301(a)(2).
4. The Application was processed in accordance with the requirements of TWC § 13.301 and 16 TAC § 24.109 and 24.112.
5. Bear Springs Water and BST WSC completed the sale within 365 days from the date of Commission approval of the sale, consistent with 16 TAC § 24.112(e).
6. After considering the factors in TWC § 13.246(c), BST WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.

7. BST WSC has demonstrated that the sale and transfer of certificated service areas and new CCN requested in this Application are necessary for the service, accommodation, convenience, and safety of the public.
8. 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. The Application is approved.
2. The certificated service areas and facilities held under water CCN No. 12963 are transferred to BST WSC.
3. BST WSC shall serve every customer and applicant for service within the areas previously served by Bear Springs Water under CCN No. 12963, 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.

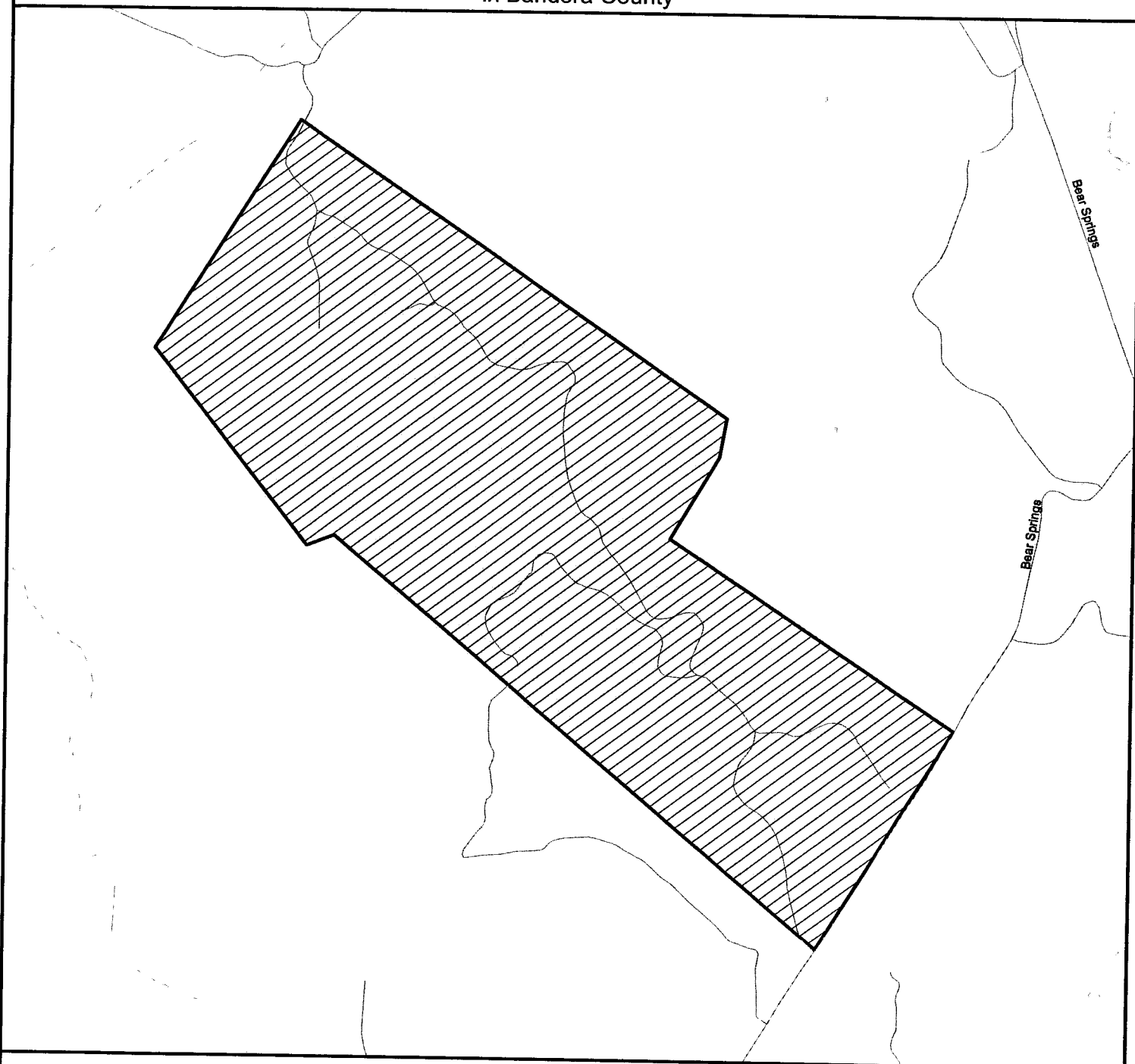
**SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of October, 2015.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**

Bear Springs Trails WSC  
Water Service Area  
CCN No. 12963  
PUC Docket No. 43355  
Complete Transfer from Bear Springs Water Co. Inc., CCN No. 12963  
in Bandera County



**Water CCN Service Area**

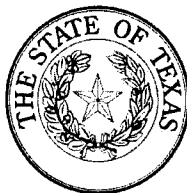


43355 - Bear Springs Trails WSC

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# **Public Utility Commission Of Texas**

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

## **Bear Springs Trails WSC**

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. 12963**

to provide continuous and adequate water utility service to that service area or those service areas in Bandera County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43355 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 Bear Springs Trails WSC, 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 \_\_\_\_\_ 2015



# **Public Utility Commission Of Texas**

**By These Presents Be It Known To All That  
Bear Springs Water Co., Inc.**

## **CANCELATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY**

To Provide Sewer Service Under V.T.C.A., Water Code  
and Public Utility Commission of Texas Substantive Rules

### **Certificate No. 12963**

Certificate No. 12963 was canceled and transferred by Order of the Commission in Docket No. 43355. Bear Springs Water Co., Inc.'s facilities were transferred to Bear Springs Trails WSC, CCN No. 12963, in Bandera County.

Please reference Certificate No. 12963 for the location of maps and other information related to the service area transferred.

Certificate of Convenience and Necessity No. 12963 is hereby CANCELED and TRANSFERRED by Order of the Public Utility Commission of Texas.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 2015