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APPLICATION OF WIEDENFELD §
WATER WORKS, INCORPORATED §
TO AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
KERR COUNTY (37858-C) §

RECEIVED
PUBLIC UTILITY §
COMMISSION OF TEXAS §
FILING CLERK

PROPOSED NOTICE OF APPROVAL

Commission Staff of the Public Utility Commission of Texas files its Proposed Notice of Approval.

Date: August 20, 2015

Respectfully Submitted,

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Division Director
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*Commission Staff of the Public Utility
Commission of Texas*

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DOCKET NO. 43356

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on August 20, 2015, in accordance with 16 TAC 22.74.



Sam Chang

DOCKET NO. 43356

**APPLICATION OF WIEDENFELD
WATER WORKS, INCORPORATED
TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
KERR COUNTY (37858-C)**

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**PUBLIC UTILITY
COMMISSION OF TEXAS**

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application filed by Wiedenfeld Water Works, Incorporated (Wiedenfeld Water) regarding an amendment to its water certificate of convenience and necessity (CCN No. 12052) for a service area in Kerr County, Texas. On August 4, 2015, Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) recommended that the Commission approve Wiedenfeld Water's application and approve the requested amendment to water CCN No. 12052. Wiedenfeld Water's application and requested amendment to water CCN No. 12052 are approved.

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

I. Findings of Fact

1. On February 28, 2014, Wiedenfeld Water Works, Incorporated (Wiedenfeld Water) filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend its water certificate of convenience and necessity (CCN No. 12052). Wiedenfeld Water requests an amendment to its water CCN No. 12052 in order to provide water service to the Monarch Hills Subdivision, which is located in Kerr County, Texas. The Monarch Hills Subdivision consists of sixteen (16) tracts and approximately 125 acres that adjoin the service area currently certificated under water CCN No. 12052. Wiedenfeld Water proposed to serve the sixteen (16) Monarch Hills subdivision connections.
2. On June 5, 2014, the TCEQ notified Wiedenfeld Water that its application was deficient and therefore not accepted for filing. The TCEQ requested that Wiedenfeld Water submit certain mapping and a written description of the proposed service area.
3. On July 2, 2014, Wiedenfeld Water submitted to the TCEQ the documents requested in the June 5, 2014 notice.
4. Effective September 1, 2014, the Commission began the economic regulation of water and

- sewer utilities. Wiedenfeld Water's application, which was being processed at the TCEQ, was transferred to the Commission for processing.
5. On September 30, 2014, the Administrative Law Judge entered Order No. 1, which addressed the transfer of economic regulation of water and sewer utilities from the TCEQ to the Commission and general procedural matters. On that same day, the Administrative Law Judge also entered Order No. 2, which required Staff to file a status update regarding Wiedenfeld Water's application by October 24, 2014.
 6. On October 24, 2014, Staff filed its Status Update. In its Status Update, Staff identified certain deficiencies in Wiedenfeld Water's electronic mapping data. As a result of these deficiencies, Staff recommended that Wiedenfeld Water's application be deemed deficient.
 7. On October 28, 2014, the Administrative Law Judge entered Order No. 3, which deemed Wiedenfeld Water's application not administratively complete. Order No. 3 also established December 1, 2014 as the deadline for Wiedenfeld Water to cure the deficiencies identified by Staff.
 8. On December 1, 2014, Wiedenfeld Water filed documents in response to Order No. 3.
 9. On December 11, Staff filed its Response to Order No. 3. In its Response, Staff recommended that Wiedenfeld Water's application be deemed administratively complete and that Wiedenfeld Water be required to provide notice of its application to certain parties.
 10. On December 16, 2014, the Administrative Law Judge entered Order No. 4, which deemed Wiedenfeld Water's application to be administratively complete and established a procedural schedule. Order No. 4 established February 4, 2015 as the deadline for Wiedenfeld Water to submit affidavits regarding the provision of notice of its application.
 11. On January 21, 2015, Wiedenfeld Water filed its affidavits regarding the provision and publication of notice of its application.
 12. The Administrative Law Judge entered Order Nos. 5, 6, 7, and 8, which extended various deadlines in this proceeding. Order No. 8, entered on July 21, 2015, extended the deadline for Staff to file its recommendation or request a hearing to August 3, 2014.
 13. On July 28, 2015, Wiedenfeld Water filed with the Commission its consent to the proposed map, proposed certificate, and proposed tariff provided by Staff.
 14. On August 3, 2015, Staff filed its Recommendation on Final Disposition. Staff recommended that the Commission approve Wiedenfeld Water's application and approve

the requested amendment to Wiedefeld Water's water CCN No. 12052. Additionally, Staff recommended that the Commission find that Wiedefeld Water has the financial, managerial, and technical capability to provide continuous and adequate service to the proposed service area in Kerr County, Texas. As part of its recommendation, Staff attached the proposed amendment to Wiedefeld Water's water CCN No. 12052, the proposed map of the service area, and the proposed tariff to be approved by the Commission.

15. On August 4, 2015, Staff filed its Amended Recommendation on Final Disposition. Staff's filed this Amended Recommendation on Final Disposition because an incorrect proposed tariff was inadvertently submitted with its Recommendation on Final Disposition.
16. On August 21, 2015, Staff filed its Proposed Notice of Approval.
17. On August 21, 2015, Staff filed its Motion to Admit Evidence. Staff requested that certain evidence be admitted into the record in support of the Proposed Notice of Approval.
18. On _____, the Administrative Law Judge entered Order No. 8. Order No. 8 granted Staff's Motion to Admit Evidence. The following evidence was admitted into the record:
 - a. Exhibit 1: Application for an Amendment to Water Certificate of Convenience and Necessity No. 11373 and accompanying attachments (filed on February 28, 2014 at the TCEQ and scanned into the Commission's filing interchange on September 24, 2014);
 - b. Exhibit 2: TCEQ's June 5, 2014 notice of deficiency to Wiedefeld Water (scanned into the Commission's filing interchange on September 24, 2014);
 - c. Exhibit 3: Wiedefeld Water's July 2, 2014 submission to TCEQ in response to notice of deficiency (scanned into the Commission's filing interchange on on September 24, 2014);
 - d. Exhibit 4: Wiedefeld Water's additional mapping filed on December 1, 2014 (on two compact discs);
 - e. Exhibit 5: Wiedefeld Water's affidavits regarding the provision and publication of notice of its application (filed at the Commission on January 21, 2015);
 - f. Exhibit 6: Additional documents submitted by Wiedefeld Water in support of its application (filed at the Commission on June 2, 2015);
 - g. Exhibit 7: Wiedefeld Water's signed Consent Form (filed on July 28, 2015).

- h. Exhibit 8: Staff's Recommendation on Final Disposition and accompanying attachments (filed on August 3, 2015).
- i. Exhibit 9: Staff's Amended Recommendation on Final Disposition and accompanying attachments (filed on August 4, 2015).

II. Conclusions of Law

1. The Commission has jurisdiction over Wiedenfeld Water's application under Tex. Water Code §§ 13.041, 13.241, and 13.246.
2. Wiedenfeld Water is a retail public utility, as defined by Tex. Water Code § 13.002(19) and 16 Tex. Admin. Code § 24.3(41).
3. Notice of Wiedenfeld Water's application was provided to affected parties, as required by Tex. Water Code § 13.246 and 16 Tex. Admin. Code § 24.106.
4. Crystal Springs' application was processed in accordance with the requirements of Tex. Water Code §§ 13.241, 13.246, and 13.254 and 16 Tex. Admin. Code §§ 24.102, 24.106, and 24.107.
5. The requirements for informal disposition under 16 Tex. Admin. Code § 22.35 have been met in this proceeding. At least fifteen (15) days have passed since the completion of notice requirements, and it is not necessary to hold a hearing on the merits regarding Wiedenfeld Water' application.
6. Based on the evidence admitted into the record, Wiedenfeld Water has demonstrated that it has adequate financial, managerial, and technical capability to provide continuous and adequate service to customers in the proposed service area located in Kerr County, Texas. Additionally, Wiedenfeld Water has demonstrated that its application meets the requirements in Tex. Water Code §§ 13.241, 13.246, and 13.254 and 16 Tex. Admin. Code §§ 24.102 and 24.106.
7. An amendment of Wiedenfeld Water's water CCN No. 12052 is necessary for the service, accommodation, convenience, or safety of the public, as required under Tex. Water Code § 13.246(b) and 16 Tex. Admin. Code § 24.102(c).

III. Ordering Paragraphs

The Commission issues the following ordering paragraphs in accordance with these

findings of fact and conclusions of law:

1. Wiedenfeld Water's application is approved.
2. Wiedenfeld Water's water CCN No. 12052 is amended, as requested in its application. Wiedenfeld Water will provide retail water service to the proposed service area identified in its application. Wiedenfeld Water's amended water CCN No. 12052, new service area map, and revised tariff are attached to this Notice of Approval.
3. 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 in this Notice of Approval, are denied.

SIGNED IN AUSTIN, TEXAS, this _____ day of _____, 2015

PUBLIC UTILITY COMMISSION OF TEXAS

**SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE**