

Control Number: 43360



Item Number: 81

Addendum StartPage: 0

RECEIVED
2017 MAY 19 AM 9:54
STATE OFFICE
OF PUBLIC UTILITY COMMISSION
PUBLIC UTILITY CLERK
ADMINISTRATIVE HEARINGS

APPLICATION OF CITY OF §
PLEASANTON FOR CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
ATASCOSA COUNTY (37978-C & 37991) §

JOINT MOTION TO ADMIT EVIDENCE AND REMAND PROCEEDING AND JOINT PROPOSED ORDER

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Joint Proposed Motion to Admit Evidence, and Remand Proceeding and Joint Proposed Order, and would show the following:

I. BACKGROUND

On July 9, 2014, the City of Pleasanton (Pleasanton) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain water and sewer CCNs in Atascosa County. SOAH Order No. 14, issued on March 14, 2017, set May 19, 2017 as the deadline for parties to file settlement documents and a proposed order.

II. JOINT MOTION TO ADMIT EVIDENCE AND REMAND PROCEEDING

Staff and Pleasanton recommend that the following be admitted as evidence into the record:

1. the Application (Commission automated interchange system (AIS) Item No. 1);
2. Proof of notice, filed on August 21, 2015 (AIS No. 37);
3. additional information provided by Pleasanton on March 3, 2017 (AIS No. 74); and,
4. Staff's Final Recommendation, filed on May 3, 2017 (AIS Item No. 80).

The only request for hearing in this proceeding, from the City of Jourdanton (Jourdanton), was withdrawn and Jourdanton is no longer an intervenor in this proceeding. Staff and Pleasanton are the only remaining parties in this proceeding and have no issues of fact or law in dispute. Therefore, the parties request that this proceeding be remanded to the Commission for administrative processing of the application.

III. PROPOSED NOTICE OF APPROVAL

Staff and Pleasanton have agreed on the attached Joint Proposed Order. The parties request that the Commission approve the Joint Proposed Order.

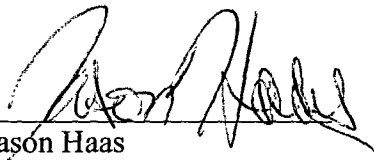
Dated: May 19, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

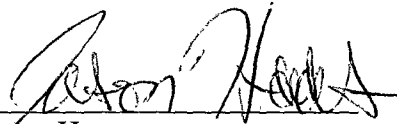
Katherine Gross
Managing Attorney



Jason Haas
State Bar No. 24032386
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7255
(512) 936-7268 (facsimile)
Jason.haas@puc.texas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 19, 2017 in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas

PUC DOCKET NO. 43360
SOAH DOCKET NO. 473-16-0101.WS

APPLICATION OF CITY OF PLEASANTON FOR CERTIFICATES OF CONVENIENCE AND NECESSITY IN ATASCOSA COUNTY (37978-C & 37991) § § § § PUBLIC UTILITY COMMISSION OF TEXAS

JOINT PROPOSED ORDER

This Joint Order addresses the application (Application) of the City of Pleasanton (Pleasanton) for a water and sewer certificate of convenience and necessity (CCN) in Atascosa County. The Public Utility Commission (Commission) Staff recommended approval of this Application. The Application is approved.

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

I. FINDINGS OF FACT

Procedural History and Background

1. On July 9, 2014, Pleasanton filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain water and sewer CCNs in Atascosa County.
2. On September 1, 2014, the rates and CCN programs relating to water and sewer service were transferred from the TCEQ to the Commission.
3. On April 24, 2015, Order No. 8 was issued, deeming the application administratively complete and requiring that Pleasanton provide notice.
4. Requests by landowners to have property exempted from Pleasanton's requested service area were received from Kenneth David Minnich, Wayne Robert Beyer, Mary Jo Crandall and Nanette Middleton, R.L and Darlene Daughtrey, James Wheeler, Greg DiCaro, and Lorraine Jasik Gregory.
5. On September 2, 2015, a hearing request from the City of Jourdanton (Jourdanton) was filed.
6. On September 9, 2015, this proceeding was referred to the State Office of Administrative Hearings (SOAH).
7. On October 8, 2015, a Preliminary Order was filed, setting out the issues to be addressed in this proceeding.

8. On January 28, 2016, SOAH Order No. 5 was filed, granting Jourdanton's request to withdraw as an intervenor in this proceeding.
9. On January 29, 2016, Jourdanton's Motion to Withdraw Contest and as Party was filed.
10. On April 21, 2017, Pleasanton filed a signed form consenting to the maps and certificates provided by Staff for the proposed water and sewer CCNs.
11. The maps and certificates described in finding of fact 10 are included with this Order.
12. On May 3, 2017, Commission Staff filed its final recommendation, recommending that Pleasanton meets the requirements of Texas Water Code § 13.246 (TWC) and 16 Tex. Admin. Code § 24.102 (TAC), has the financial, technical, and managerial capability to provide continuous and adequate service, and that Pleasanton's application be granted.
13. On May 19, 2017, the parties filed a Joint Motion to Remand, Motion to Admit Evidence, and Proposed Order.

Notice

14. Pleasanton mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on August 4, 2015. An affidavit that attests to this notice was dated August 11, 2015.
15. Notice of the application was published in the *Pleasanton Express* on June 3 and 10, 2015. A publisher's affidavit dated July 30, 2015 attests to this notice.

Evidentiary Record

16. The following evidence is admitted into the record of this proceeding: (a) the Application (Commission automated interchange system (AIS) Item No. 1); (b) Proof of notice, filed on August 21, 2015 (AIS No. 37); (c) additional information provided by Pleasanton on March 3, 2017 (AIS No. 74); and, (d) Staff's Final Recommendation, filed on May 3, 2017 (AIS Item No. 80).

Pleasanton's Request

17. Pleasanton seeks approval of new water and sewer CCNs in Atascosa County.
18. Pleasanton is seeking a water service area that includes approximately 17,555 acres and 4,414 current customers and a sewer service area including approximately 24,305 acres and 3,877 current customers.

Informal Disposition

19. More than 15 days have passed since completion of the notice provided in this docket.
20. Pleasanton and Commission Staff are the only remaining parties to this proceeding
21. The only request for hearing was withdrawn and no issues of fact or law are disputed by any party, therefore no hearing is necessary.

II. CONCLUSIONS OF LAW

1. Pleasanton is a municipally-owned utility as defined in TWC § 13.002(13).
2. The Commission has jurisdiction and authority over this docket pursuant to TWC §§ 13.041, 13.241, and 13.246 and 16 TAC §§ 24.102, 24.106, and 24.107.
3. Pleasanton provided notice of the Application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), Pleasanton has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the request area and its current service area as required by TWC § 13.241.
6. Pleasanton demonstrated that the Application meets the requirements set forth in TWC §§ 13.241 and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted a new CCN.
7. Approval of the Application is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

1. The Application for new water and sewer CCNs, as amended, in Atascosa County is approved.
2. Pleasanton shall serve every customer and applicant for service within the areas certified under its water and sewer CCNs, and such service shall be continuous and adequate.

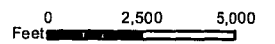
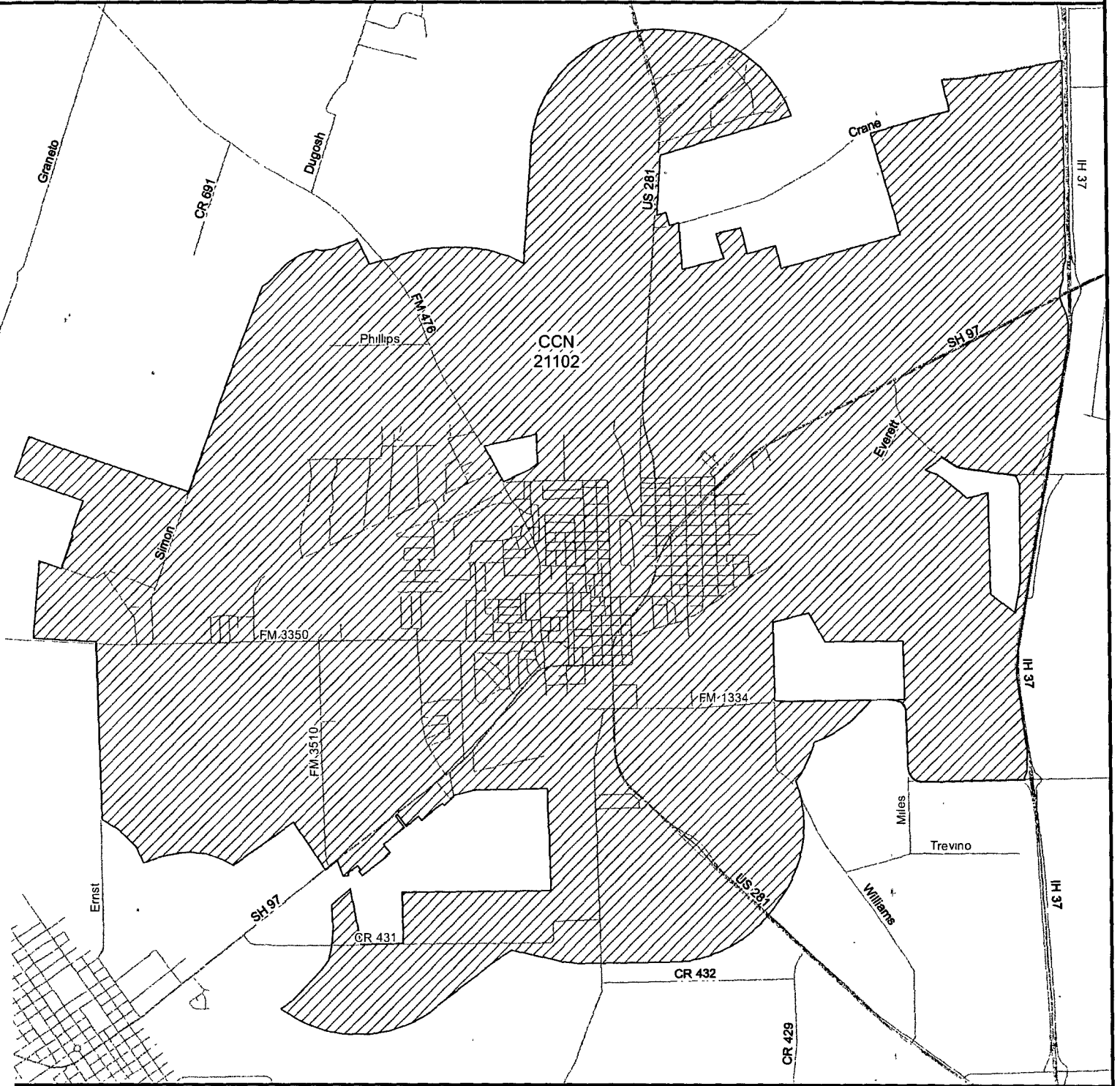
3. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the _____ day of _____ 2017.

PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION ADMINISTRATIVE LAW JUDGE

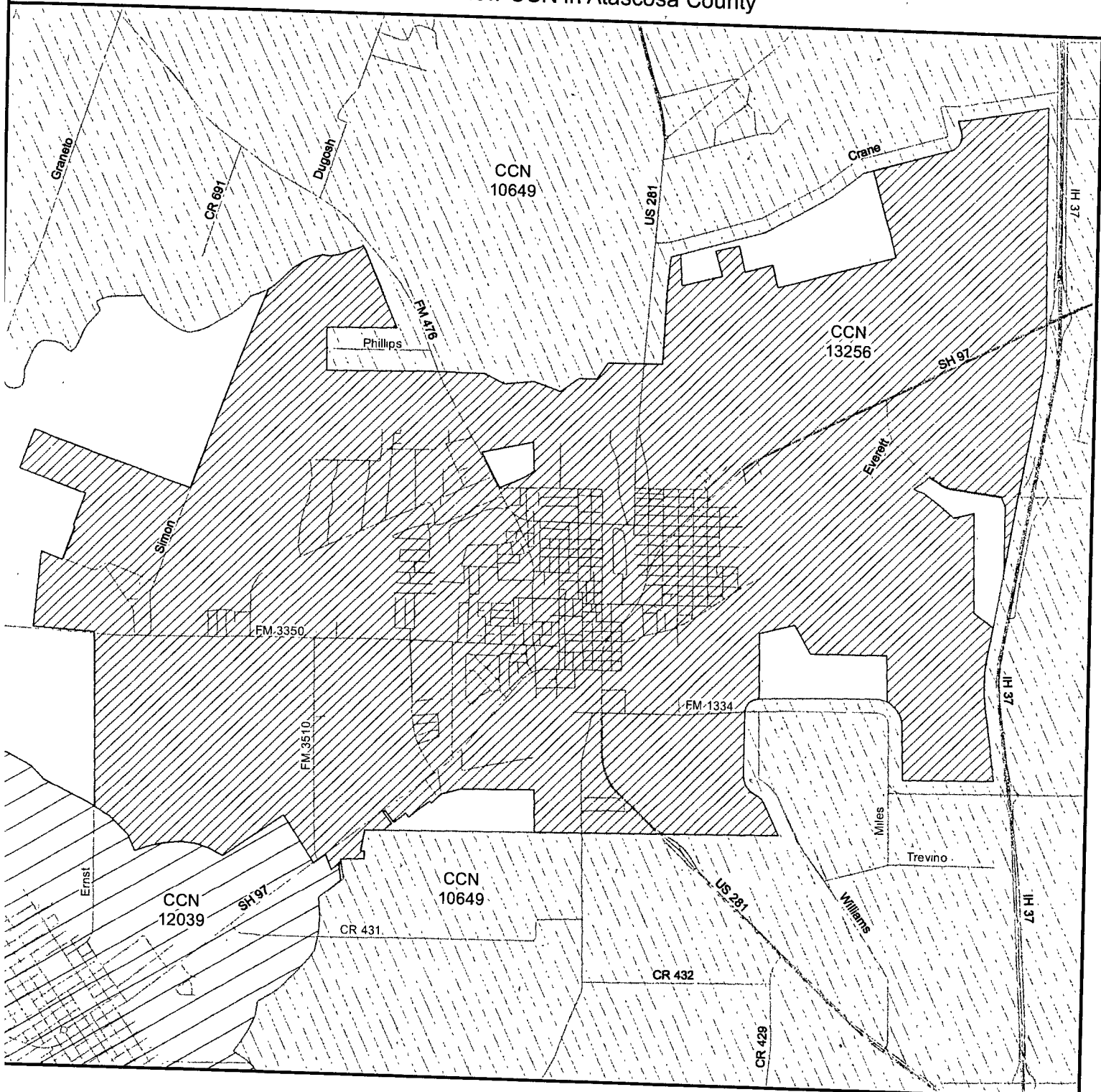
City of Pleasanton
Sewer CCN No. 21102
PUC Docket No. 43360
Obtained New CCN in Atascosa County






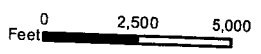
Sewer CCN

 21102 - City of Pleasanton

City of Pleasanton
 Water CCN No. 13256
 PUC Docket No. 43360
 Obtained New CCN in Atascosa County



- Water CCN**
-  13256 - City of Pleasanton
 -  10649 - McCoy WSC
 -  12039 - City of Jourdanton



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

Map by: Komal Patel
 Date created: April 10, 2017
 Project Path: n:\finalmapping\43360CityofPleasantonWater.mxd



Public Utility Commission of Texas

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

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. 13256

to provide continuous and adequate water utility service to that service area or those service areas in Atascosa County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43360 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 Pleasanton, 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 _____ 2017.



Public Utility Commission of Texas

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

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. 21102

to provide continuous and adequate sewer utility service to that service area or those service areas in Atascosa County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43360 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 Pleasanton, 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 _____ 2017.