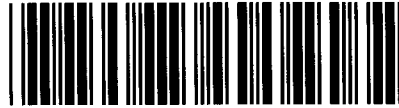


Control Number: 43378



Item Number: 25

Addendum StartPage: 0

**P.U.C. DOCKET NO. 43378**

**APPLICATION OF THE CITY OF  
MANOR TO AMEND ITS WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 10947**

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§

**PUBLIC UTILITY COMMISSION**

2015 JUL 21 11:23

**OF TEXAS**

FILED CLERK

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

Staff of the Public Utility Commission and the City of Manor (Applicant) (jointly, the Parties) file this Joint Proposed Notice of Approval and Motion to Admit Evidence of the City of Manor's application to amend its certificate of convenience and necessity (CCN) No. 10947 in Travis County, Texas. This Joint Proposed Notice of Approval and Motion to Admit Evidence includes findings of fact, conclusions of law, and ordering paragraphs.

**I. Motion to Admit Evidence**

The Parties move to admit the following evidence into the record of this proceeding: (a) the City of Manor's July 8, 2014 application; (b) the City of Manor's amendments to its application, filed on October 31, 2014, December 16, 2014, January 30, 2015, and June 29, 2015; (c) a publisher's affidavit dated March 6, 2015 and signed by Dallen Tarrel; (d) an affidavit dated March 6, 2015, attesting to notice mailed March 6, 2015; (e) Commission Staff's recommendation regarding final disposition filed on July 9, 2015; and (f) signed consent form (Attachment A), CCN service area map (Attachment B), and CCN (Attachment C).

**II. Proposed Notice of Approval**

The attached Proposed Notice of Approval would grant the City of Manor's application to amend its CCN No. 10947 in Travis County.

**III. Conclusion**

The Parties respectfully request that the Commission grant the motion to admit the

25

evidence specified above, and adopt the attached notice of approval.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division



Katherine Lengieza Gross  
Attorney-Legal Division  
State Bar No. 24065610  
(512) 936-7277  
(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 July 21, 2015  
in accordance with 16 TAC § 22.74.



Katherine Lengieza Gross

**P.U.C. DOCKET NO. 43378**

**APPLICATION OF THE CITY OF  
MANOR TO AMEND ITS WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 10947**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the City of Manor for approval of an amendment to its certificate of convenience and necessity (CCN) No. 10947 in Travis County. The City of Manor and Commission Staff are the only parties to this proceeding. Commission Staff recommended approval of the application. Consistent with Commission Staff's recommendation, the application is approved.

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

**I. Fact Findings**

**Procedural History and Background**

1. On July 8, 2014, the City of Manor filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend its CCN No. 10947 in Travis County.
2. On September 1, 2014, pursuant to House Bill 1600 and Senate Bill 567 of the 83<sup>rd</sup> Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission.
3. The City of Manor subsequently amended its application on October 31, 2014, December 16, 2014, January 30, 2015, and June 29, 2015.
4. In Order No. 1, issued October 3, 2014, the Commission ALJ addressed the transfer of this docket from the TCEQ to the Commission.

5. In Order No. 2, issued October 3, 2014, the Commission ALJ found the application deficient and gave Manor until November 3, 2014 to amend its application to cure deficiencies. That deadline was later extended on November 14, 2014 to December 15, 2014.
6. In Order No. 4, issued December 18, 2014, Staff was given a deadline of January 16, 2015 to file comments on the administrative completeness of the amended application.
7. In Order No. 5, issued January 20, 2015, the application was found deficient and Manor was given until January 30, 2015 to amend its application to cure deficiencies.
8. In Order No. 6, issued February 10, 2015, the PUC accepted the Manor's application for filing and requested that by March 9, 2015, Manor file with the Commission a copy of the notice sent to the affected parties and published in a newspaper of general circulation with attached signed affidavits that the notice was given.
9. Notice was also provided by publication in the *Austin Chronicle* on February 27, 2015 and March 6, 2015. A publisher's affidavit dated March 6, 2015 and signed by Dallen Tarrel, a representative of the Austin Chronicle, attests to this notice.
10. The City of Manor provided notice of the application to neighboring systems, landowners, and cities on March 6, 2015. Notice was provided by mail to Presidential Glen, Ltd., Terrell Timmerman, LGI Homes-Texas, LLC., Aqua WSC, Cottonwood Creek MUD 1, Cottonwood Creek WCID 2, Cottonwood Creek WCID 3, City of Elgin, Lower Colorado River Authority, Manville Water Supply Corporation, City of Pflugerville, Presidential Glen MUD, Travis County MUD 2, Wilbarger Creek MUD 1, and Wilbarger Creek MUD 2. An affidavit that these landowners and entities received notice was filed on March 9, 2015.

11. In Order No. 7, issued March 13, 2015, the Commission ALJ set a deadline of April 6, 2015 for intervention, and June 5, 2015 for Commission Staff to propose an additional procedural schedule, request a hearing, or file a final recommendation.
12. In Order No. 8, the Commission ALJ set a deadline of June 29, 2015 for Manor to provide additional information addressing issues raised by Commission Staff. Manor timely filed that information on June 29, 2015.
13. On July 9, 2015, Commission Staff filed a recommendation on final disposition recommending that the application be approved.

**Evidence**

14. The following evidence is admitted into the record of this proceeding: (a) the City of Manor's July 8, 2014 application; (b) the City of Manor's amendments to its application, filed on October 31, 2014, December 16, 2014, January 30, 2015, and June 29, 2015; (c) a publisher's affidavit dated March 6, 2015 and signed by Dallen Tarrel; (d) an affidavit dated March 6, 2015, attesting to notice mailed March 6, 2015; (e) Commission Staff's recommendation regarding final disposition filed on July 9, 2015; and (f) signed consent form, CCN service area map, and CCN.

**Description of the Transaction**

15. No change in the certificated name for CCN No. 10947 is requested as part of this transaction.
16. The City of Manor's request for an amendment to CCN No. 10947 is reasonable, consistent with the public interest, and should be approved.

**Informal Disposition**

17. More than 15 days have passed since completion of the notice provided in this docket.

18. No protests have been filed. No requests for hearing have been filed. No issues of fact or law are disputed by any party; therefore no hearing is necessary.
19. The criteria for informal disposition pursuant to P.U.C. PROC. R. 22.35 have been satisfied in this proceeding.
20. Consistent with Commission Staff's recommendation, the application is reasonable, consistent with the public interest, and should be approved.

## **II. Legal Conclusions**

1. The City of Manor is a municipally owned utility as defined in § 13.002 of the Texas Water Code (Vernon 2007 & Supp. 2014).
2. The Commission has jurisdiction and authority over this docket pursuant to the Texas Water Code §§ 13.041, 13.241, 13.244, 13.246 and 16 TEX. ADMIN. CODE (TAC) §§ 24.101 and 24.102.
3. The City of Manor has provided notice in compliance with 16 TAC § 24.106 and Texas Water Code § 13.246.
4. The City of Manor has demonstrated that the application meets the requirements set forth in the Texas Water Code §§ 13.241, 13.244, and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its CCN.

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. Consistent with Commission Staff's recommendation and this Order, the City of Manor's application is approved.
2. The City of Manor's CCN No. 10947 is amended to reflect that the City of Manor will provide retail water services to the area requested in the application.
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 on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



**CONSENT FORM**

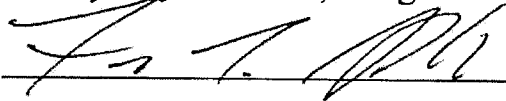
Applicant's Name: City of Manor  
Docket No.: 43148

Please mark the appropriate line:

X *I concur* with the maps, certificates transmitted by e-mail

       *I do not concur* with the map and certificate transmitted by e-mail. I understand that I have 14 days from the date of this email to provide my response.

I am authorized by City of Manor, to sign this form.

Signature: 

Printed Name: FRANK T. PHELAN, P.E.

Relationship to Applicant: CITY ENGINEER

Date signed: 7/6/15

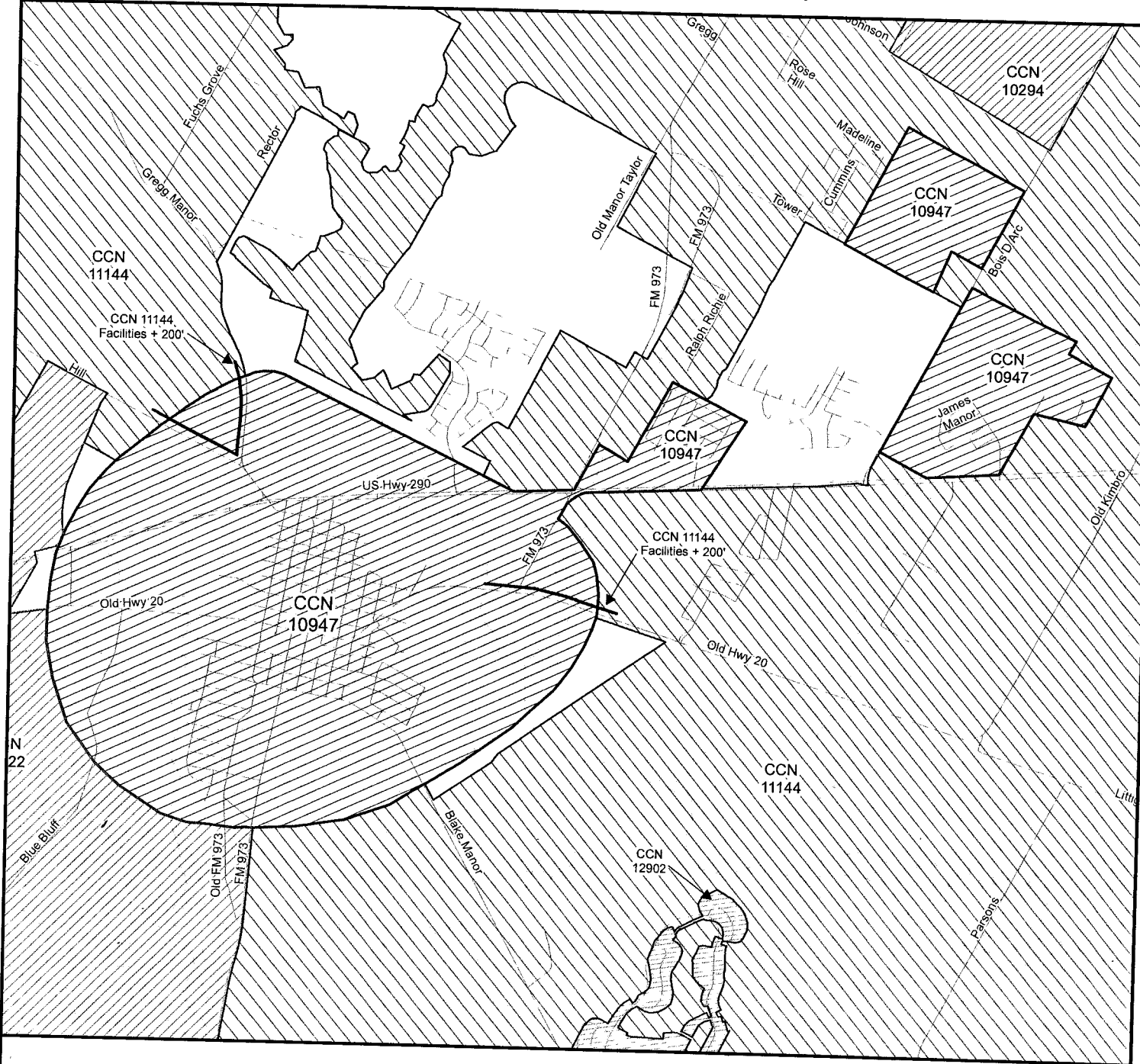
Please mail the original and 9 copies to:

Mailing Address:  
Public Utility Commission of Texas  
Central Records  
1701 N Congress PO Box 13326  
Austin, Texas 78711-3326

Shipping / Overnight Delivery Address:  
Public Utility Commission of Texas  
Central Records  
1701 N Congress, Suite 8-100  
Austin, Texas 78701

# ATTACHMENT B

City of Manor  
 Water Service Area  
 CCN No. 10947  
 PUC Docket No. 43378  
 Amended CCN No. 10947 in Travis County



**Water CCN Service Areas**

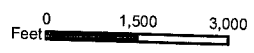
- 10947 - City of Manor
- 10294 - Aqua WSC
- 11144 - Manville WSC
- 11322 - City of Austin
- 12902 - Aqua Texas Inc

**Facilities + 200' Water CCNs**

- 11144 - Manville WSC



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



Map by: Suzanne Burt  
 Date created: June 1, 2015  
 Project path: n:\gis\projects\applications\43378.mxd



# Texas Commission On Environmental Quality

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

## **City of Manor**

having duly applied for certification to provide (water/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. 10947**

to provide continuous and adequate water utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43378 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 City of Manor 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 \_\_\_\_\_

\_\_\_\_\_  
For the Commission

**ATTACHMENT C**