



Control Number: 43712



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RECEIVED

APPLICATION OF LAKE §
 LIVINGSTON WATER SUPPLY AND §
 SEWER SERVICE CORPORATION §
 AND TYLER COUNTY WATER §
 SUPPLY CORPORATION FOR SALE, §
 TRANSFER, OR MERGER OF §
 FACILITIES AND CERTIFICATE §
 RIGHTS IN TYLER COUNTY (37966-S) §

PUBLIC UTILITY COMMISSION 2016 JUN 24 PM 2:50

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK**NOTICE OF APPROVAL**

This Notice addresses the application of Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston) and Tyler County Water Supply Corporation (Tyler County WSC) for the sale and transfer of a portion of facilities and certificated service area in Tyler County. Public Utility Commission of Texas Staff recommends approval of the application. The application, as amended, is approved.

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

I. Findings of Fact

1. On June 30, 2014, Tyler County WSC and Lake Livingston filed an application with the Texas Commission on Environmental Quality (TCEQ) for the sale and transfer of Lake Livingston's facilities for the Wayward Winds Estates subdivision in Tyler County.
2. The proposed transaction transfers the customers, facilities, and service area for the Wayward Winds Estates subdivision from Lake Livingston to Tyler County WSC.
3. Lake Livingston holds CCN No. 10147.
4. Tyler County WSC holds CCN No. 11528.
5. Effective September 1, 2014, the Commission began the economic regulation of water and sewer utilities. This proceeding was transferred from TCEQ to the Commission for processing.
6. On November 4, 2014, the application was filed with the Public Utility Commission of Texas.

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7. On January 30, 2015, the applicants filed supplemental documentation to cure deficiencies.
8. On February 19, 2015, Order No. 4 was issued, deeming the amended application administratively complete and adopting a procedural schedule.
9. On August 19, 2015, Order No. 12 was issued, approving the sale/transfer to proceed and instructing the applicants to provide monthly status reports and proof of the transaction when consummated.
10. On March 3, 2016, the applicants filed a special warranty deed and bill of sale regarding the transfer of the Wayward Winds Estates subdivision.
11. On April 4, 2016, Order No. 14 was issued, finding the closing documentation sufficient and establishing deadlines for final mapping and consent forms.
12. On April 8, 2016, additional documentation regarding customer deposits was filed.
13. On May 13, 2016, Commission Staff filed a final recommendation that the Commission approve the application and the sale and transfer transaction between Lake Livingston and Tyler County WSC.
14. On June 8, 2016, Commission Staff filed the signed consent form of John Sexton for Lake Livingston and Jerry Lovelady for Tyler County WSC, consenting to the map, certificate, and tariff as prepared by Commission Staff.
15. The consented revised map, certificate, and tariff are attached to this Notice.

Notice

16. Notice of the application was provided by mail to affected parties on February 24, 2015.
17. Notice of the application was published in the *Tyler County Booster* on February 26, 2015 and March 5, 2015.
18. On March 24, 2015, Lake Livingston filed affidavits attesting to the provision and publication of notice of the application.
19. Notice of the application was provided to additional affected parties on May 28, 2015.
20. On June 3, 2015, Lake Livingston filed another affidavit regarding the provision of notice of the application.

Evidentiary Record

21. On June 24, 2016, Order No. 16 was issued, admitting evidence into the record.

Informal Disposition

22. More than 15 days have passed since completion of the notice in this application.
23. Lake Livingston, Tyler County WSC, and Commission Staff are the only parties to this proceeding.
24. No protests or requests for hearing were filed in this docket; therefore, no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction over Lake Livingston and Tyler County WSC's application under Texas Water Code Annotated §§ 13.251 and 13.301 (West 2008 and Supp. 2015) (TWC).
2. Lake Livingston and Tyler County WSC are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code § 24.3(58) (TAC).
3. Notice of the application was provided to affected parties, as required by TWC § 13.301(a)(2) and 16 TAC §§ 24.109(a) and 24.112(c).
4. The application was processed in accordance with the requirements of the Texas Administrative Procedures Act, Tex. Gov't Code §§ 2001.001-2001.902; TWC § 13.301; and 16 TAC §§ 24.109 and 24.112.
5. Lake Livingston and Tyler County WSC consummated the sale and transfer of Lake Livingston's facilities for the Wayward Winds Estates subdivision in Tyler County, Texas and corresponding water CCN No. 10147 within one (1) year from the date of the Commission's approval of the sale and transfer transaction, as required by 16 TAC § 24.112(e).
6. Tyler County WSC has demonstrated that it has adequate financial, managerial, and technical capability to provide continuous and adequate service to customers in the Wayward Winds Estates subdivision.

7. Under TWC §13.257(r) and 16 TAC § 24.106(f), Lake Livingston is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
8. Under TWC §13.257(r) and 16 TAC § 24.106(f), Tyler County WSC is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
9. 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. Lake Livingston and Tyler County WSC's application, as amended, is approved.
2. The sale and transfer of Lake Livingston's facilities for the Wayward Winds Estates subdivision in Tyler County and portion of the corresponding water CCN No. 10147 is approved; the parties' CCNs are amended accordingly.
3. Lake Livingston shall serve every customer and applicant for service within its service area, and such service shall be continuous and adequate.
4. Tyler County WSC shall serve every customer and applicant for service within its service area, and such service shall be continuous and adequate.
5. Lake Livingston shall comply with the recording requirements in TWC § 13.257(r) for the area in Tyler County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.

6. Tyler County WSC shall comply with the recording requirements in TWC § 13.257(r) for the area in Tyler County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. 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 AT AUSTIN, TEXAS the 24th day of June 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE

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Public Utility Commission Of Texas

By These Presents Be It Known To All That Lake Livingston Water Supply and Sewer Service Corporation

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. 10147

to provide continuous and adequate water utility service to that service area or those service areas in Hardin, Liberty, Polk, San Jacinto, Trinity, Tyler and Walker Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43712 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 Lake Livingston Water Supply and Sewer Service Corporation, 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 24th day of June 2016

**Decertified a Portion of Lake Livingston Water Supply and Sewer Service Corporation, CCN No. 10147
in Tyler County**



—— 11528 - Tyler County WSC - Facilities + 200'



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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Tyler County

Water Supply Corporation

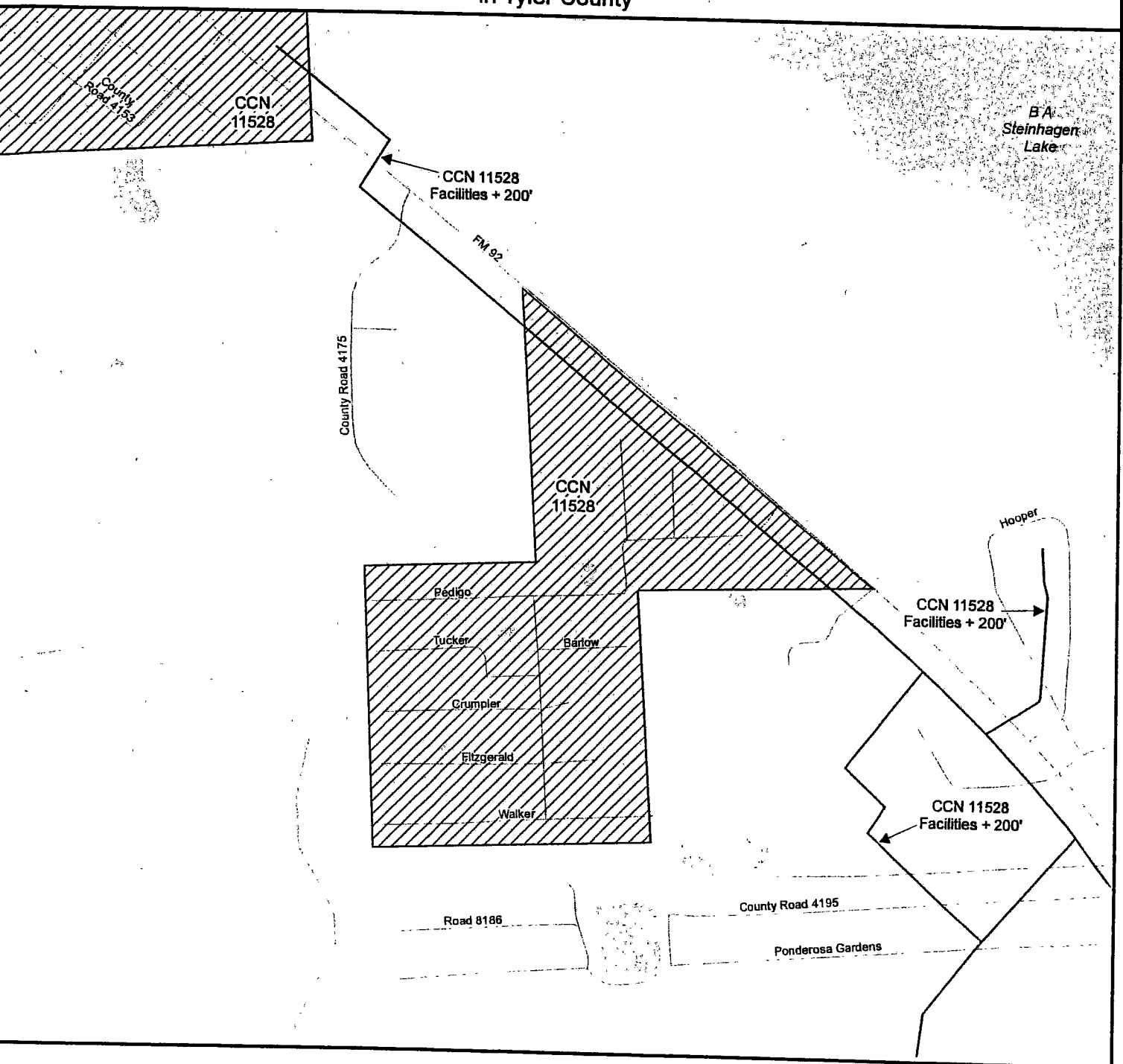
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled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

Certificate of Convenience and Necessity No. 11528

to provide continuous and adequate water utility service to that service area or those service areas in Tyler and Hardin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43712 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 Tyler County Water Supply Corporation, 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 24th day of June 2016

Tyler County Water Supply Corporation
 Water Service Area
 CCN No. 11528
 PUC Docket No. 43712
 Amended CCN No. 11528 and
 Decertified a Portion of Lake Livingston Water Supply and Sewer Service Corporation, CCN No. 10147
 in Tyler County



Water CCN Service Area

 11528 - Tyler County WSC

Water Facility CCN

 11528 - Tyler County WSC - Facilities + 200'

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Feet

