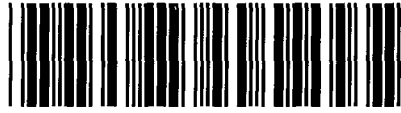


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PUC DOCKET NO. 43832
SOAH DOCKET NO. 473-15-4782.WS

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APPLICATION OF THE PALO DURO § BEFORE THE
SERVICE COMPANY, INC. TO §
AMEND ITS CERTIFICATE OF § PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY §
NO. 12200 IN PARKER AND WISE § OF TEXAS
COUNTIES

PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT PROPOSED ORDER

This Joint Proposed Order addresses the application (“Application”) of Palo Duro Service Company, Inc. (“Palo Duro” or “Applicant”) for approval of an amendment to its water certificate of convenience and necessity (“CCN”) No. 12200 in Parker and Wise Counties. Through its Application, the Palo Duro seeks to amend CCN No. 12200 to provide water service to Aledo Ridge, a new development of approximately 33.15 acres in Parker County. Staff (“Staff”) of the Public Utility Commission of Texas Staff (“Commission”) 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

1. On February 13, 2015, Palo Duro filed an Application with the Commission to amend its water CCN No. 12200 in Parker and Wise Counties, Texas in order to provide retail water service to the proposed Aledo Ridge development.
2. The total proposed new service area requested in this Application consists of approximately 33.15 acres, 0 current customers, and no current infrastructure.
3. The Application was received by the Commission on February 9, 2015.
4. The Application was deemed sufficient for filing on May 8, 2015.

Notice

5. Palo Duro published notice in the *Weatherford Democrat* on May 20, and 27, 2015 in

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Parker County. Notice was also published in the *Wise County Messenger* in Wise County on May 20, and 27, 2015.

6. On June 18, 2015, Palo Duro filed publishers' affidavits dated May 27, 2015 and signed by Roy J. Eaton, Publisher of the *Wise County Messenger* and Sharon Barry of the *Weatherford Democrat* dated June 2, 2015 attesting to notice to neighboring utilities and affected parties in their respective counties.
7. The Commission caused notice of this application to be published in the *Texas Register* on February 27, 2015.
8. On June 18, 2015, Palo Duro filed affidavits that on May 13, and May 28, 2015 Palo Duro mailed individual notice of the Application to neighboring systems, landowners, cities and affected parties.
9. On June 25, 2015, the City of Fort Worth intervened and requested a public hearing.
10. On July 16, 2015, this docket was referred to the State Office of Administrative Hearings.
11. On September 21, 2015, the City of Fort Worth filed a Notice of Settlement and Withdrawal of Hearing Request.
12. On July 25, 2016, Commission Staff filed a motion to dismiss for failure to resolve outstanding Texas Commission on Environmental Quality (TCEQ) violations.
13. On August 10, 2016, Palo Duro filed letters from the TCEQ demonstrating that they had resolved their outstanding violations.
14. On August 10, 2016, Staff provided Palo Duro with a proposed maps, tariffs, and certificates by e-mail.
15. On August 17, 2016, Palo Duro submitted a consent form agreeing with the proposed maps, tariffs, and certificates provided to Palo Duro by Staff.
16. On August 17, 2016, Staff filed a final recommendation and withdrew its motion to dismiss.

Evidentiary Record

17. On August 17, 2016, Palo Duro submitted a signed consent form evidencing its consent to the proposed map and amended CCN.
18. On August 17, 2016, the Staff recommended that the Application be approved.
19. On _____, 2016, Order No. _____ was issued admitting the following evidence into

the record and remanding this proceeding to the Commission:

(a) Palo Duro's February 9, 2015 Application (Commission automated interchange system [AIS] Item No. 3, filed February 9, 2015); (b) a publisher's affidavit dated May 27, 2015 and an affidavit of notice to neighboring systems, landowners, cities and other affected parties dated May 13 and May 28, 2015 (AIS Item No. 13, filed June 18, 2015); (c) Consent Form signed by the Applicant with attached map and revised CCN (AIS Item No. 46, filed on August 17, 2016); and (d) Commission Staff's Final Recommendation for approval and the Staff memo attachment thereto (AIS Item No. 47, filed August 17, 2016) have been admitted into evidence.

Informal Disposition

20. More than 15 days have passed since completion of the notice provided in this docket.
21. Palo Duro, Staff and the City of Fort Worth are the only parties to this proceeding.
22. The deadline for parties to intervene, file comments, or request a hearing was June 27, 2016. The Commission received no protests and the City of Fort Worth's request for hearing was withdrawn.
23. No issues of fact or law remain disputed by any party.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041, 13.241, 13.242, 13.244, 13.246 ("TWC") and 16 Tex. Admin. Code §§ 24.101 – 24.107 ("TAC").
2. Palo Duro is a retail public utility as defined in TWC § 13.002 (19) and 16 TAC § 24.3(58).
3. Palo Duro has provided public notice of the Application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application was processed in accordance with the requirements of TWC § 13.244 and 16 TAC §§ 24.102 and 24.105.
5. After considering the relevant factors in TWC § 13.246(c), Palo Duro has demonstrated adequate financial, managerial and technical capability for providing

continuous and adequate service to the requested area and its current service area as required by TWC § 13.241. Palo Duro has demonstrated that the Application meets the requirements set forth in TWC §§ 13.241, 13.242, 13.244 and 13.246, and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its CCN No. 12200.

6. Palo Duro demonstrated that an amendment to its CCN No. 12200 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).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Palo Duro 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 portion of the service area is located, and submit to the Commission evidence of the recording.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this docket.

III. ORDERING PARAGRAPHS

In accordance with these Findings of Fact and Conclusions of Law, the Commission issues the following Order:

1. The Palo Duro's Application is approved.
2. The Palo Duro's water CCN No. 12200 is hereby amended to reflect the addition of the approximate 737 acres identified in the Application to its certificated service area in Parker County.
3. The Palo Duro shall comply with the recording requirements of TWC § 13.257(r) for the area in Parker County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
4. 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 _____, 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

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