



Control Number: 44028



Item Number: 43

Addendum StartPage: 0

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APPLICATION OF THREE RIVERS  
TO AMEND A CERTIFICATE OF  
CONVIENCE AND NECESSITY IN  
LIVE OAK COUNTY (37900-C)

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PUBLIC UTILITY COMMISSION  
OF TEXAS

2016 APR 15 AM 11:26  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

The City of Three Rivers (Three Rivers) and the Staff of the Public Utility Commission of Texas (Commission Staff) jointly file this Motion to Admit Evidence and Proposed Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs. This Proposed Notice of Approval is timely filed on or before April 15, 2016.

**I. Motion to Admit Evidence**

Three Rivers and Commission Staff (together “the parties”) jointly request to admit the following evidence into the record of this proceeding: (a) Application of the City of Three Rivers to Amend a Certificate of Convenience and Necessity in Live Oak County (37900-C), filed with the Commission on January 2, 2015; (b) Three Rivers’ Additional Information Provided, filed February 25, 2015; (c) Three Rivers’ Additional Information Provided - Maps, filed May 5, 2015; (d) Three Rivers’ Supplement to the Application, Page 13, filed on May 26, 2015; (e) Three Rivers’ Affidavits of Notice, filed October 8, 2015; (f) Three Rivers’ Consent Forms, filed March 21, 2016; and (g) Commission Staff’s Final Recommendation, filed March 25, 2016.

**II. Proposed Order**

The Proposed Order, included herein as Attachment A, would grant Three Rivers’ certificate of convenience and necessity (CCN) amendment. This docket was processed in accordance with applicable statutes and Commission rules. Notice of the application was provided to interested parties. Three Rivers and Commission Staff are the only parties to this proceeding. No other party filed a request to intervene, filed comments on the application, protested this filing, or requested a hearing in this proceeding.

### III. Conclusion

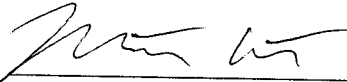
Commission Staff has reviewed the application and recommends approval. The requirements for informal disposition have been met. Three Rivers therefore respectfully requests that the Commission adopt the attached findings of fact, conclusions of law, and ordering paragraphs as well as grant the admittance of the specified evidence.

**Dated: April 15, 2016**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Katherine Lengieza Gross  
Managing Attorney  
Legal Division



Matthew Arth  
Attorney-Legal Division  
State Bar No. 24090806  
(512) 936-7021  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

### DOCKET NO. 44028 CERTIFICATE OF SERVICE

I, Matthew Arth, Attorney – Legal Division of the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record in this proceeding on April 15, 2016 in the following manner: facsimile.



Matthew Arth

**ATTACHMENT A**  
**PROPOSED NOTICE OF APPROVAL**

**DOCKET NO. 44028**

**APPLICATION OF THE CITY OF  
THREE RIVERS TO AMEND A  
CERTIFICATE OF CONVIENCE AND  
NECESSITY IN LIVE OAK COUNTY  
(37900-C)**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the City of Three Rivers' (Three Rivers) application for amendment of its water certificate of convenience and necessity (CCN) no. 12642 in Live Oak County. The Public Utility Commission of Texas (Commission) Staff (Commission Staff) recommended approval of the application. The application is approved as set forth below:

**I. Findings of Fact**

***Procedural History***

1. On April 25, 2014, Three Rivers filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend water certificate of convenience and necessity (CCN) no. 12642 in Live Oak County.
2. On January 2, 2015, the Public Utility Commission of Texas received Three Rivers' CCN amendment application. Three Rivers then also filed its Annual Financial Report for the Year ended September 30, 2012 and Copies of General Maps for the Proposed Area.
3. On January 2, 2015, TCEQ filed a Checklist for Obtaining or Amending a CCN, Overlap & Notice Check for Administrative Review, and Notice of Deficiency.
4. On January 6, 2015, the Commission administrative law judge (ALJ) issued Order No. 1 Addressing Water Program Transfer and Procedural Matters and Order No. 2 Requiring Comments on Status.
5. On January 12, 2015, Three Rivers responded to Order No. 2, filing additional information that addressed TCEQ's Notice of Deficiency.

6. On February 10, 2015, Commission Staff responded to Order No. 2, recommending that Three Rivers' application be found deficient and not administratively complete.
7. On February 10, 2015, the Commission ALJ issued Order No. 3, finding the application administratively incomplete and giving Three Rivers the opportunity to cure the deficiencies.
8. On February 25, 2015, Three Rivers filed Additional Information, including its latest Annual Financial Report and digital mapping data.
9. On April 23, 2015, the Commission ALJ issued Order No. 4, finding the application administratively incomplete and providing Three Rivers the opportunity to cure the deficiencies.
10. On May 5, 2015, Three Rivers filed Additional Information, which included updated maps.
11. On May 26, 2015, Three Rivers filed a Supplement to the Application, which provided a revised Page 13.
12. On June 18, 2015, the Commission ALJ issued Order No. 5, finding the application administratively incomplete and providing Three Rivers the opportunity to cure the deficiencies.
13. On June 30, 2015, Three Rivers filed its Response to Order No. 4 and Order No. 5, providing updated maps.
14. On July 24, 2015, the Commission ALJ issued Order No. 6, deeming the application administratively complete and ordering Three Rivers to provide notice in accordance with Commission Staff's recommendation.
15. On August 17, 2015, Three Rivers filed affidavits indicating that the City gave notice in accordance with Order No. 6.
16. On October 8, 2015, Three Rivers refiled its affidavits of notice, along with additional affidavits of notice provided to land owners with 25 acres or more.

17. On October 9, 2015, the Commission ALJ issued Order No. 7, amending the procedural schedule. The procedural schedule was further amended in Order No. 8, issued December 7, 2015.
18. On January 13, 2016, the Commission ALJ issued Order No. 9, adopting a new procedural schedule and ordering Commission Staff to file a recommendation on final disposition by March 25, 2016.
19. On March 21, 2016, Three Rivers filed signed consents to the final map of the service area and the revised certificate of convenience and necessity.
20. On March 25, 2016, Commission Staff filed its Final Recommendation, recommending that Three Rivers' CCN amendment application be approved.
21. On April 15, 2016, parties jointly filed a request to admit evidence and proposed notice of approval with proposed findings of fact, conclusions of law, and ordering paragraphs.
22. On April \_\_, 2016, the Commission ALJ issued Order No. \_\_ admitting the following into evidence: (a) Application of the City of Three Rivers to Amend a Certificate of Convenience and Necessity in Live Oak County (37900-C), filed with the Commission on January 2, 2015; (b) Three Rivers' Additional Information Provided, filed February 25, 2015; (c) Three Rivers' Additional Information Provided - Maps, filed May 5, 2015; (d) Three Rivers' Supplement to the Application, Page 13, filed on May 26, 2015; (e) Three Rivers' Affidavits of Notice, filed October 8, 2015; (f) Three Rivers' Consent Forms, filed March 21, 2016; and (g) Commission Staff's Final Recommendation, filed March 25, 2016.

### ***City of Three Rivers' Request***

23. Three Rivers seeks approval of an amendment to its water CCN No. 12642, changing the boundaries of its service area.

### ***Informal Disposition***

24. At least fifteen (15) days have passed since the completion of all notice requirements.
25. No party is opposed to the application and no hearing is necessary.

## **II. Conclusions of Law**

1. Three Rivers is a municipally owned utility as defined in Sections 13.002(13) of the TEX. WATER CODE (TWC).
2. The Commission has jurisdiction over this matter pursuant to TWC § 13.041, 13.241, 13.244, 13.246 and 16 TEX. ADMIN. CODE (TAC) §§ 24.101 and 24.102.
3. Three Rivers may apply to amend its water CCN pursuant to TWC §§ 13.241-.250 and 16 TAC §§ 24.101 - .107.
4. Three Rivers provided proper notice of the Application in compliance with 16 TAC § 24.106.
5. Three Rivers' application is sufficient.
6. The application does not constitute a major rate proceeding as defined by 16 TAC § 22.2(27).
7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

## **III. Ordering Paragraphs**

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

1. The City of Three Rivers' application for an amendment to water CCN no. 12642 in Live Oak County is approved.
2. 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 hereby denied.

**SIGNED AT AUSTIN, TEXAS on the \_\_\_\_\_ day of APRIL, 2016.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

\_\_\_\_\_  
JEFFREY J. HUHNS  
ADMINISTRATIVE LAW JUDGE