



Control Number: 44028



Item Number: 45

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DOCKET NO. 44028

RECEIVED

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

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2016 MAY -6 PM 2:38  
PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

### NOTICE OF APPROVAL

This Notice addresses the application of the City of Three Rivers (Three Rivers) for approval of an amendment of its water certificate of convenience and necessity (CCN) no. 12642 in Live Oak County. Public Utility Commission of Texas (Commission) Staff recommended 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

##### Procedural History

1. On April 25, 2014, Three Rivers filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend water CCN no. 12642 in Live Oak County.
2. On September 1, 2014, functions relating to the economic regulation of water and sewer utilities were transferred from the TCEQ to the Commission.
3. The Commission received the application on January 2, 2015.
4. On July 24, 2015, Order No. 6 was issued, deeming the application, as amended, administratively complete and ordering Three Rivers to provide notice in accordance with Commission Staff's recommendation.
5. On March 21, 2016, Three Rivers submitted a signed consent form evidencing its agreement with the final map of the service area and the revised CCN as prepared by Commission Staff. The map and certificate are attached to this Notice.
6. On March 25, 2016, Commission Staff recommended that Three Rivers' CCN amendment application, as amended, be approved.

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**Notice**

7. On August 4, 2015, notice was mailed to all affected and interested parties.
8. On July 29, 2015 and August 5, 2015, published notice was provided in *The Progress*, a newspaper circulated in Live Oak County.
9. On August 17, 2015, affidavits of notice were filed attesting to the mailed and published notice, including copies of individual notices.
10. 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.

**Evidentiary Record**

11. On April 29, 2016, Order No. 10 was issued, admitting evidence into the record of this proceeding.

**City of Three Rivers' Request**

12. Three Rivers seeks approval of an amendment to its water CCN No. 12642, changing the boundaries of its service area.
13. The total proposed service area requested in this application consists of approximately 3396 acres and 37 current customers.

**Informal Disposition**

14. At least fifteen (15) days have passed since the completion of all notice requirements.
15. Three Rivers and Commission Staff are the only parties to this proceeding.
16. There were no protests or hearing requests filed in this application.

**II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246 and 16 Tex. Admin. Code §§ 24.101 and 24.102 (TAC).
2. Three Rivers is a municipally owned utility as defined in TWC § 13.002(13).
3. Public notice of this proceeding was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.

4. After considering the factors in TWC § 13.246(c), Three Rivers 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.
5. Three Rivers has demonstrated that the application meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-24.102 and 24.104-24.106.
6. Approval of the certificate amendment requested in this application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Three Rivers 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. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### III. Ordering Paragraphs

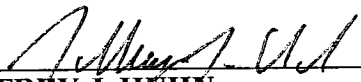
In accordance with the findings of fact and conclusions of law, the Commission issues the following Order:

1. Three Rivers' application, as amended, for an amendment to water CCN no. 12642 in Live Oak County is approved.
2. Three Rivers shall serve every customer and applicant for service within the areas certified under its water CCN no. 12642, and such service shall be continuous and adequate.
3. Three Rivers shall comply with the recording requirements in TWC § 13.257(r) for the area in Live Oak 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 or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 6<sup>th</sup> day of May 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**

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# Public Utility Commission of Texas

By These Presents Be It Known To All That

## City of Three Rivers

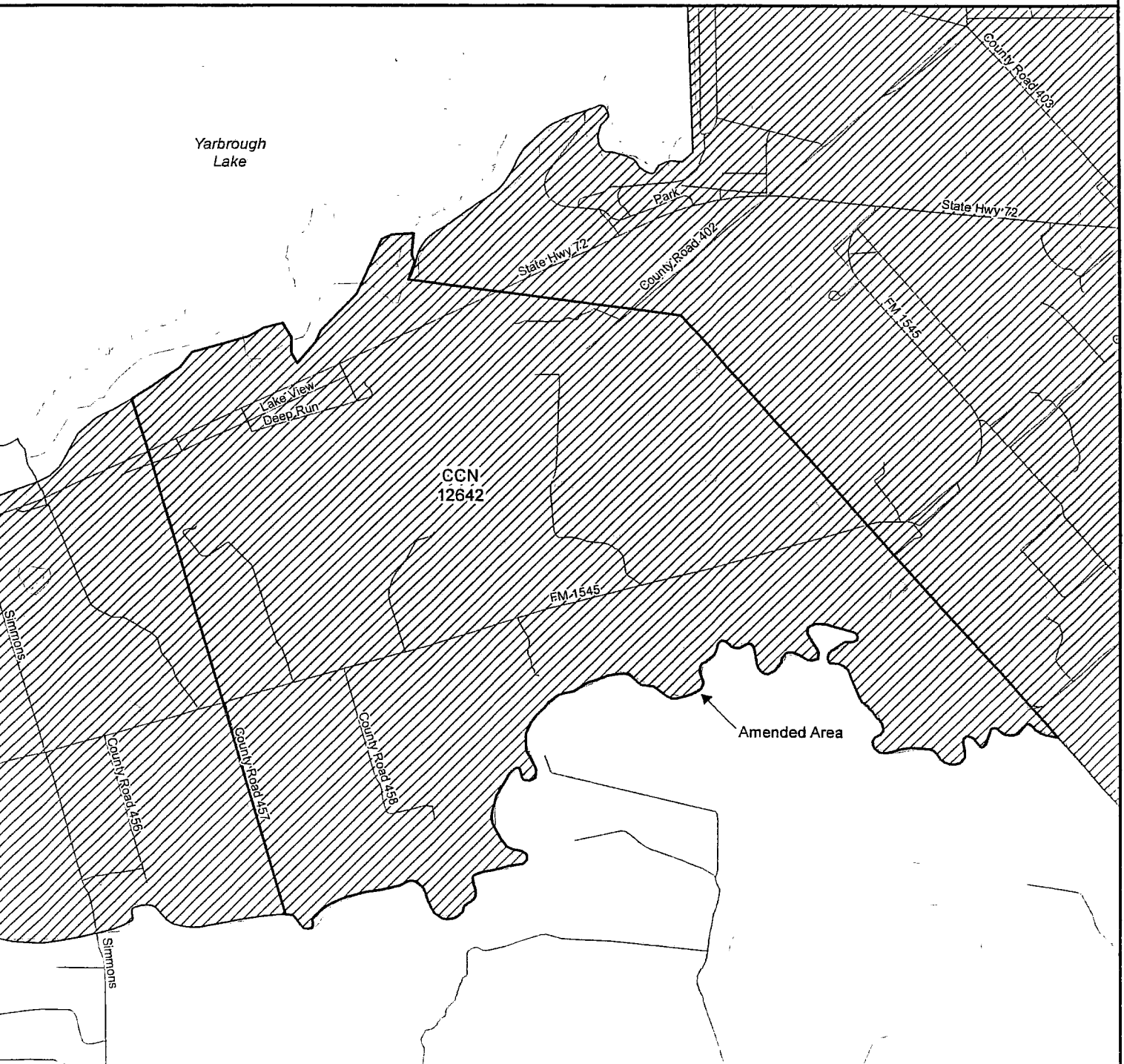
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, the City of Three Rivers is entitled to this

### Certificate of Convenience and Necessity No. 12642

to provide continuous and adequate water utility service to that service area or those service areas in Live Oak and McMullen Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44028 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty City of Three Rivers 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, the 6<sup>th</sup> day of MAY 2016.

City of Three Rivers  
Portion of Water Service Area  
CCN No. 12642  
PUC Docket No. 44028  
Amended CCN No. 12642 in Live Oak County



**Water CCN Service Area**

 12642 - City of Three Rivers

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Feet

