



Control Number: 44523



Item Number: 40

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RECEIVED

APPLICATION OF THE CITY OF §
 DRIPPING SPRINGS TO AMEND ITS §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN HAYS COUNTY §

PUBLIC UTILITY COMMISSION 23 PM 1:
 OF TEXAS PUBLIC UTILITY COMMISSION
 FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the City of Dripping Springs to amend its certificate of convenience and necessity (CCN) No. 13030, in Hays County. Public Utility Commission of Texas Staff recommended approval of the application, as amended. The application, as amended, is approved.

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

I. Findings of Fact

Procedural History and Background

1. On March 11, 2015, Dripping Springs filed an application to amend its CCN No. 13030 in Hays County.
2. On April 29, 2015, July 16, 2015, September 8, 2015, April 11, 2016, and August 31, 2016, Dripping Springs filed supplemental information to cure the deficiencies identified by Commission Staff.
3. On October 9, 2015, Order No. 5 was issued, deeming the application, as amended, administratively complete, addressing notice, and establishing a procedural schedule.
4. On March 10, 2016, Dripping Springs filed its consent to the revised map and certificate.
5. On September 14, 2016, Commission Staff recommended approval of the application, as amended, and provided copies of Dripping Springs' consented, revised map and CCN certificate.
6. The consented, revised map and certificate are attached to this Notice.
7. On September 20, 2016, Commission Staff and Dripping Springs filed a joint proposed notice of approval and motion to admit evidence.

8. On September 22, 2016, Order No. 12 was issued, admitting evidence into the record of this proceeding.

Description of the application

9. With this application, Dripping Springs will be able to extend existing water service to the planned Blue Blazes Ranch mixed-use development.
10. The proposed Blue Blazes Ranch mixed-use development and addition to Dripping Springs' water CCN service area is located along the north side of U.S. Hwy 290 and is comprised of approximately 35 acres. The southwestern corner of the area is located along U.S. Hwy 290 approximately 1.7 miles west of the intersection of U.S. Hwy 290 and Ranch Road 12 (RR 12) in Hays County. The southeastern corner of the proposed area is located along U.S. Hwy 290 approximately 1.91 miles west of the intersection of U.S. Hwy 290 and RR 12 in Hays County. The northern boundary varies from 880 to 1600 feet north of U.S. Hwy 290. The eastern boundary varies from 0 to 680 feet east of the southeastern corner of the area and the western boundary varies from 0 to 260 feet east of the southwestern corner.

Notice

11. The Commission caused notice of this application to be published in the *Texas Register* on March 27, 2015.
12. On November 4, 2015, Dripping Springs mailed notice of the application to neighboring utilities, landowners, and affected parties.
13. On November 5 and 12, 2015, notice was published in *The Dripping Springs Century News*, a newspaper of general circulation in Hays County.
14. On November 9 and 13, 2015, Dripping Springs filed affidavits of notice attesting to mailed and published notice.

Informal Disposition

15. The only parties to this proceeding are Dripping Springs and Commission Staff.
16. More than 15 days has passed since completion of the notice provided in this docket.
17. No protests, motions to intervene, requests for hearing, or opt-out requests were filed in this docket, therefore, no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code Ann. §§ 13.041 and 13.241 (West 2008 and Supp. 2015) (TWC).
2. Dripping Springs is a municipality as defined in TWC § 13.002(12) and 16 TAC § 24.3(42).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application, as amended, meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-.102 and 24.104-.106.
5. After considering the factors in TWC § 13.246(c), Dripping Springs is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate water service to the requested area and its existing service area, as required by TWC § 13.241(a).
6. Approval of this application is necessary for the service, accommodation, convenience, and 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), Dripping Springs 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 evidence of the recording to the Commission.
8. 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 orders:

1. The application of the City of Dripping Springs, as amended, is approved.
2. The City of Dripping Springs CCN No. 13030 is amended consistent with this Notice.

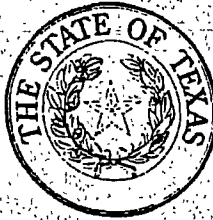
3. The City of Dripping Springs shall serve every customer and applicant for water service within the area certificated under CCN No. 13030 and such service shall be continuous and adequate.
4. The City of Dripping Springs shall comply with the recording requirements in TWC § 13.257(r) for the area in Hays County affected by this application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. 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, are denied.

SIGNED AT AUSTIN, TEXAS the 23rd day of September 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

**By These Presents Be It Known To All That
City of Dripping Springs**

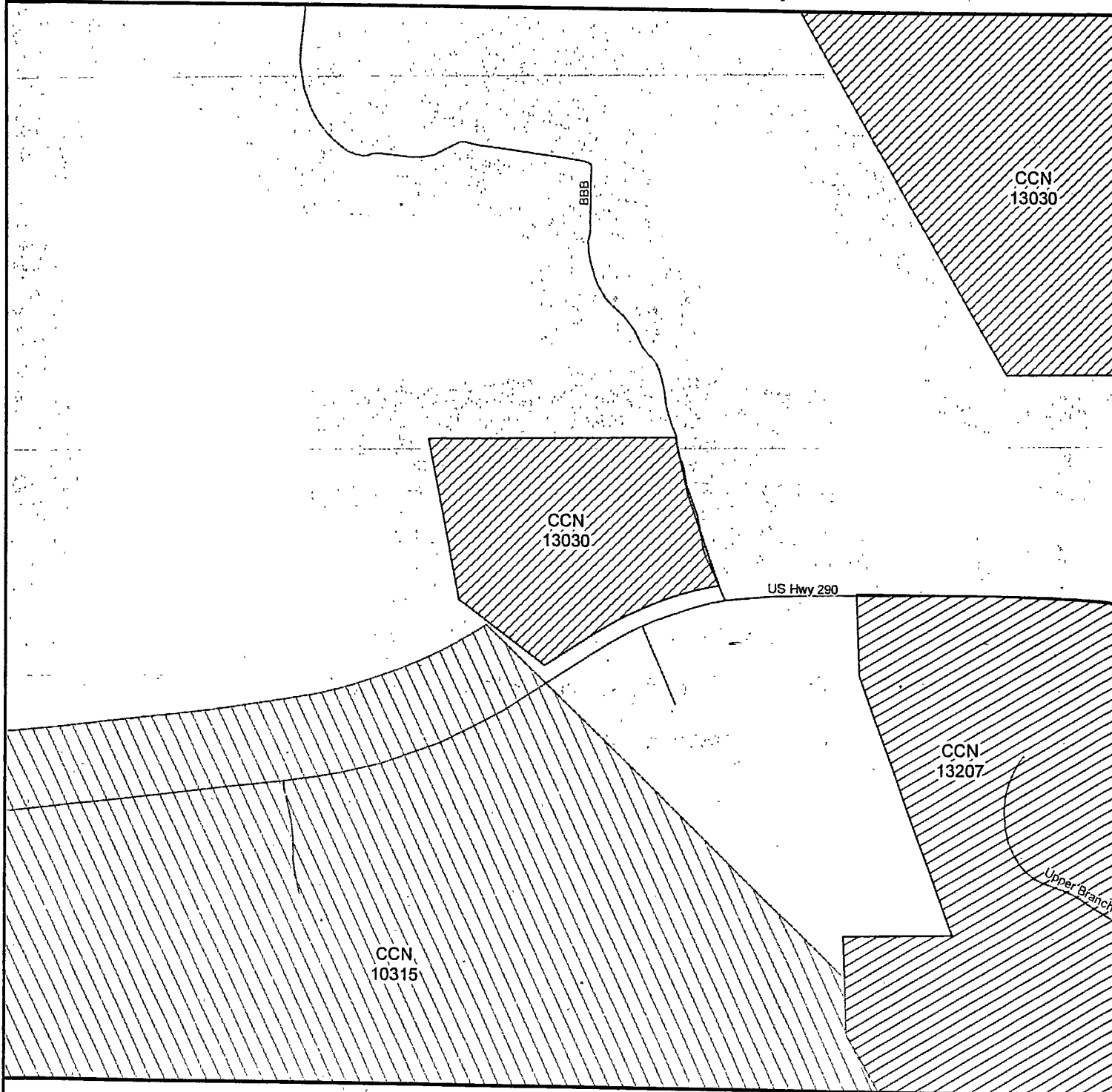
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled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

Certificate of Convenience and Necessity No. 13030

to provide continuous and adequate water utility service to that service area or those service areas in Hays County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44523 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 Dripping Springs 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 23rd day of September 2016.

City of Dripping Springs
Water Service Area
CCN No. 13030
PUC Docket No. 44523
Amended CCN No. 13030 in Hays County



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

Water CCN Service Areas

-  13030 - City of Dripping Springs
-  10315 - Dripping Springs WSC
-  13207 - West Travis County Public Utility

0 400 800
Feet



Map by: Komal Patel
Date created: February 26, 2016
Project Path: n:\finalmapping\44523CityofDrippingSprings.mxd