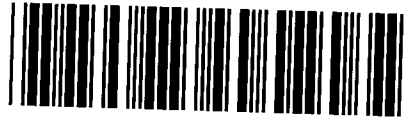




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**PUC DOCKET NO. 44541
SOAH DOCKET NO. 473-16-0193.WS**

**APPLICATION OF CITY OF HEATH TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY AND
TO DECERTIFY A PORTION OF
FORNEY LAKE WATER SUPPLY
CORPORATION'S SERVICE AREA IN
ROCKWALL COUNTY**

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

CITY OF HEATH'S LIST OF ISSUES

The City of Heath files this proposed list of issues to be addressed in this proceeding in accordance with the Commission's Order of Referral in this docket.

I. INTRODUCTION

In this proceeding, Heath is seeking to obtain single certification for an area that is entirely inside Heath's corporate boundaries, that represents a small portion of Forney Lake Water Supply Corporation's certificated water service area, and that contains no existing Forney Lake customers. Additionally, Heath is not requesting the transfer of any property belonging to Forney Lake. In its amended application, Heath demonstrated that none of Forney Lake's property would be rendered useless or valueless based on the fact that no existing customers would be affected and based on Forney Lake's admission that all of its property would continue to be used once single certification is granted.¹ The issues that SOAH needs to resolve are, therefore, limited. Pursuant to Texas Water Code §13.255, if Heath asks for single certification, the Commission is obligated to grant single certification and Heath is obligated to pay Forney Lake for property, if any, determined by the Commission to have been rendered useless or valueless as a result of the granting of single certification.

II. ISSUES TO BE ADDRESSED

1. Did Heath notify Forney Lake of Heath's intent to provide retail water utility service to areas located inside Heath's corporate boundaries? [Texas Water Code 13.255(b); P.U.C. Subst. R. 24.120(b)].

¹ "All of FLWSC's water utility facilities currently used to provide retail service to its customers before the grant of single certification as requested by Heath will continue to be used for that purpose provided the single certification is granted as requested." Forney Lake Response to HEATH 1-8 (Sept. 18, 2015).

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2. Did Heath wait more than 180 days after providing Forney Lake with notice of its intent to serve the area before filing an application with the Commission? [Texas Water Code 13.255(b); P.U.C. Subst. R. 24.120(b)].
3. Will the granting of the single certification as requested by Heath result in any property of Forney Lake Water Supply Corporation being rendered useless or valueless to Forney Lake? [Texas Water Code 13.255(c); P.U.C. Subst. R. 24.120(c)].
4. What monetary amount, if any, is adequate and just to compensate Forney Lake for such property? [Texas Water Code 13.255(c),(g), & (l); P.U.C. Subst. R. 24.120(c), (g), & (m)].

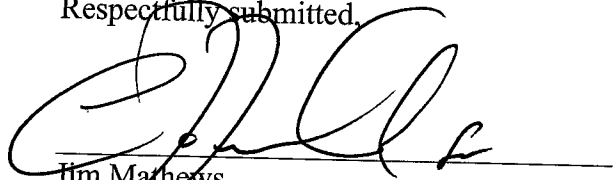
III. ISSUES NOT TO BE ADDRESSED

Heath has not identified any issues that specifically should not be addressed in this proceeding.

IV. THRESHOLD LEGAL OR POLICY ISSUES

Heath has not identified any legal or policy issues that should be briefed for purposes of the preliminary order. Any additional legal or policy issues can be briefed at SOAH.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion to Compel was served on all parties of record in this proceeding on this 24th day of September, 2015, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.

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