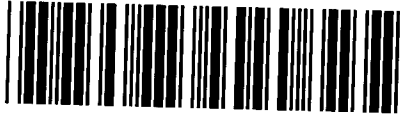


Control Number: 44646



Item Number: 57

Addendum StartPage: 0

**DOCKET NO. 44646**

**APPLICATION OF CITY OF BELTON  
TO AMEND A SEWER CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN BELL COUNTY**

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§  
§  
§

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

RECEIVED  
2016 DEC 13 PM 4:20  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**NOTICE OF APPROVAL**

This Notice addresses the application of the City of Belton to amend its sewer certificate of convenience and necessity (CCN) in Bell County. Commission 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**

1. On April 16, 2015, Belton filed an application to amend its water CCN No. 20444 in Bell County.
2. Belton supplemented the application on June 24, 2015; August 7, 2015; and September 25, 2015. The City filed additional information regarding mapping on December 22, 2015; May 4, 2016; June 29, 2016; and August 22, 2016.
3. After accounting for properties that opted out of the requested service area, approval of the application would add approximately 24,535 acres of service area<sup>1</sup> to Belton's CCN. No. 20444, with approximately 0 current customers.
4. On October 5, 2015, Order No. 6 was issued, deeming the application administratively complete and establishing a procedural schedule.
5. Two requests for a public hearing were filed in this application, on October 22, 2015 and November 2, 2015, respectively. A hearing was not necessary for either request because the first request was in favor of the application and the second was withdrawn on December 11, 2015.

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<sup>1</sup> City of Belton Response to Deficiencies Stated on May 27, 2016 at 2 (Jun. 29, 2016).

6. Six requests to opt-out of the requested service area were filed; on October 28, 2015, November 2, 2015, November 3, 2015, November 4, 2015, November 5, 2015 and February 18, 2016, respectively.
7. All of the opt-out properties except for the property represented by the February 18, 2016 opt-out request, which is not affected by the boundary of the requested service area, were removed from the requested service area.<sup>2</sup>
8. The City's requested service area overlaps Bell County Municipal Utility District No. 1's (BCMUD 1) district boundary.<sup>3</sup>
9. BCMUD 1 consented to the service area requested by the City in this application.<sup>4</sup>
10. The City's requested service area overlaps Brazos River Authority's (BRA) boundary, but consent from the BRA is not required.
11. On September 27, 2016, the City filed consent forms to the proposed revised map and certificate for its CCN. No. 20444, as prepared by Commission Staff.
12. On October 12, 2016, Commission Staff recommended approval of the application and provided a copy of the revised map and certificate for Belton's CCN. No. 20444.
13. The revised map and certificate referenced in Findings of Fact No. 11 and 12 are attached to this Notice.

Notice

14. The Commission caused notice of this application to be published in the *Texas Register* on April 21, 2015.
15. Notice of the application was mailed to neighboring systems, landowners, and cities and to affected parties on October 7, 2015.
16. Notice was published by publication in the *Belton Journal* on October 15, 2015, and October 22, 2015.

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<sup>2</sup> City of Belton Sewer CCN #20444 Amendment Application at 1 (May 4, 2016) (Amendment).

<sup>3</sup> Commission Staff's Supplemental Recommendation on Sufficiency, Attached Memorandum at 1-2 (Jul. 24, 2015).

<sup>4</sup> Amendment at 12.

17. Proof of mailed notice and a publishers' affidavit was filed on October 28, 2015.

**Evidentiary Record**

18. On December 14, 2016, Order No. 15 was issued, admitting evidence into the record of this proceeding.

**Informal Disposition**

19. More than 15 days have passed since completion of the notice provided in this docket.
20. Belton and Commission Staff are the only parties to the proceeding.
21. No issues of fact or law remain disputed by any party.
22. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

**II. Conclusions of Law**

1. The Commission has jurisdiction and authority over this docket pursuant to the Tex. Water Code §§ 13.041 and 13.241, 13.244 and 13.246 (TWC).
2. Belton is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code § 24.3(58) (TAC).
3. Belton provided notice in compliance with TWC § 13.246 and with 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), Belton demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested areas and its current service areas, as required by TWC § 13.241.
6. Belton is entitled to approval of this application, having demonstrated that it meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-102 and 24.104-106.
7. Approval of the application 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).

8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Belton is required to record a certified copy of the approved CCNs and maps, along with a boundary description of the service areas, in the real property records of each county in which the service areas or a portion of a service area are located, and submit to the Commission evidence of the recording.
9. 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, as amended, is approved.
2. Belton's CCN No. 20444 is amended consistent with this Notice.
3. Belton shall serve every customer and applicant for sewer service within the area certified under CCN No. 20444, and such service shall be continuous and adequate.
4. Belton shall comply with the recording requirements in TWC § 13.257(r) for the areas in Bell 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 herein, are hereby denied.

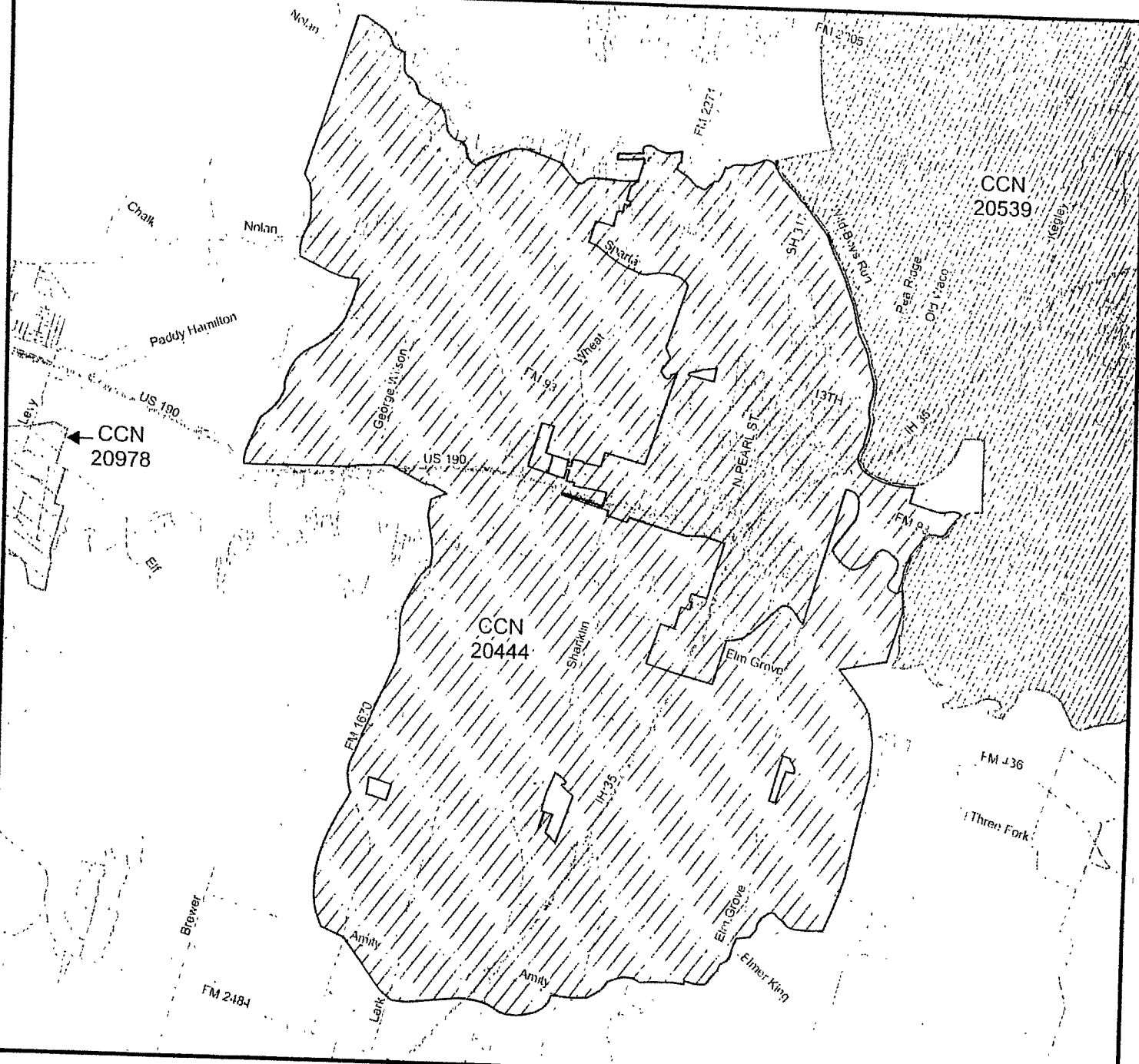
SIGNED AT AUSTIN, TEXAS the 13<sup>th</sup> day of December 2016.

PUBLIC UTILITY COMMISSION OF TEXAS






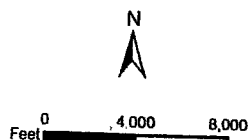
SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE

City of Belton  
Sewer Service Area  
CCN No. 20444  
PUC Docket No. 44646  
Amended CCN No. 20444 in Bell County



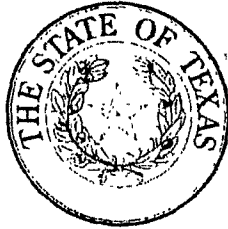
**Sewer CCN Service Areas**

-  20444 - City of Belton
-  20539 - City of Temple
-  20978 - City of Harker Heights



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

Map by: Kristy Nguyen  
Date created: September 19, 2016  
Project Path: n:\Final Maps\44646.mxd



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

**City of Belton**

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 Belton is entitled to this

## **Certificate of Convenience and Necessity No. 20444**

to provide continuous and adequate sewer utility service to that service area or those service areas in Bell County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44646 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 of City of Belton 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 13<sup>th</sup> day of December 2016.