



Control Number: 44695



Item Number: 22

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DOCKET NO. 44695

**APPLICATION OF CRYSTAL CLEAR §
WATER SUPPLY CORPORATION §
FOR A SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
COMAL COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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NOTICE OF APPROVAL

This Notice addresses the application of Crystal Clear Water Supply Corporation (Crystal Clear WSC or Applicant) to obtain a sewer certificate of convenience and necessity (CCN) in Comal County. Public Utility Commission of Texas (Commission) Staff recommended approval of the application. The application is approved.

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

I. Findings of Fact

Procedural History, Description and Background

1. Applicant is a non-profit, member-owned and member-controlled sewer service corporation organized under Chapter 67 of the Texas Water Code (TWC).
2. On May 1, 2015, Crystal Clear WSC filed an application for a sewer CCN to provide sewer service for compensation in Comal County.
3. On June 1, 2015, Commission Staff responded to Order No. 1, recommending that the application be found administratively incomplete due to material deficiencies.
4. On June 3, 2015, Order No. 2 was issued, finding the application and notice deficient and providing an opportunity to cure.
5. On June 12, 2015, Crystal Clear WSC filed an amended application.
6. On July 2, 2015, Commission Staff filed a response to Order No. 2 in which Staff recommended that the application, as amended, be found administratively complete and proposed a procedural schedule.

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7. On July 9, 2015, Order No. 3 was issued deeming the amended application administratively complete, requiring notice and establishing a procedural schedule.
8. On September 9, 2015, Order No. 5 was issued adopting Staff's proposed supplemental procedural schedule and directing Staff to file a final recommendation on the application by November 20, 2015.
9. On November 19, 2015, Applicant submitted a signed consent form evidencing consent with the final map and CCN certificate as prepared by Commission Staff.
10. The final map and CCN certificate referenced in Finding of Fact No. 9 are attached to this Notice.
11. On November 20, 2015, Commission Staff filed its recommendation on final disposition, recommending approval of the application.

Notice

12. On July 22, 2015, mailed notice was provided to all affected and interested parties.
13. On July 25, 2015 and on August 1, 2015, notice was also provided by publication in the *New Braunfels Herald-Zeitung*, a newspaper circulated in Comal County.
14. On August 6, 2015 and August 25, 2015, Applicant filed affidavits attesting to mailed and published notice, including copies of individual notices.
15. The comment period ended September 21, 2015, and the Commission did not receive any protests, opt-out requests or requests for hearing during the comment period.

Evidentiary Record

16. On February 8, 2016, Order No. 6 was issued, admitting evidence into the record of this proceeding.

Description of Applicant and Application

17. The total proposed service area requested in this application consists of approximately 88 acres within a to-be-constructed subdivision.
18. The proposed service area is not within the limits or extra-territorial jurisdiction of any municipality.

19. Applicant already is certificated to provide water service in the area.
20. An existing landowner within the proposed service area requested sewer service from Applicant.

Applicant's Financial, Managerial, Technical Capability

21. Applicant possesses the financial capability to provide continuous and adequate service to the proposed service area.
22. Applicant has the managerial capability to provide continuous and adequate service to the proposed area.
23. Applicant has the technical capability to provide continuous and adequate service to the proposed area and the Texas Commission on Environmental Quality has approved the Applicant's sewer system plans for the proposed area.

Effect of Granting the Application

24. The proposed service area currently is not receiving any sewer service.
25. If the Commission grants the application, Applicant will be obligated to provide continuous and adequate sewer service to all qualified applicants for service.
26. As long as appropriate construction techniques and approved design criteria are used the construction process, there should be minimal effect to the environmental integrity of the proposed area.
27. If the Commission grants the application, the approved sewer system will bring needed infrastructure to the neighborhood development.

Informal Disposition

28. More than 15 days have passed since completion of the notice provided in this docket.
29. Crystal Clear WSC and Commission Staff are the only parties to this proceeding.
30. No protests or requests for hearing were filed in this docket.

II. Conclusions of Law

1. The Commission has jurisdiction over these matters pursuant to TWC §§ 13.001 and 13.041.
2. Applicant published notice and provided mailed notice to neighboring utilities and affected parties, as well as all landowners in the requested area, as required pursuant to TWC § 13.246(a) and 16 Tex. Admin. Code § 24.106 (TAC).
3. Applicant has met the substantive criteria for granting a sewer CCN, including demonstrating adequate financial, managerial and technical capability for providing continuous and adequate service to the requested area and its current service area in Comal County pursuant to TWC §§ 13.241 and 13.246, and 16 TAC §§ 24.21, 24.34, and 24.102.
4. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Crystal Clear WSC 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.
5. 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 order:

1. The application of Crystal Clear WSC is approved consistent with this Notice and CCN No. 21086 in Comal County, is granted.
2. Applicant shall serve every customer and applicant for service within the areas certified under its CCN No. 21086, and such service shall be continuous and adequate.
3. Crystal Clear WSC shall comply with the recording requirements in TWC § 13.257(r) for the area in Comal 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 and conclusions of law and other requests for general or specific relief, if not expressly granted, are denied.

SIGNED AT AUSTIN, TEXAS the 12th day of February 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

CRYSTAL CLEAR WSC

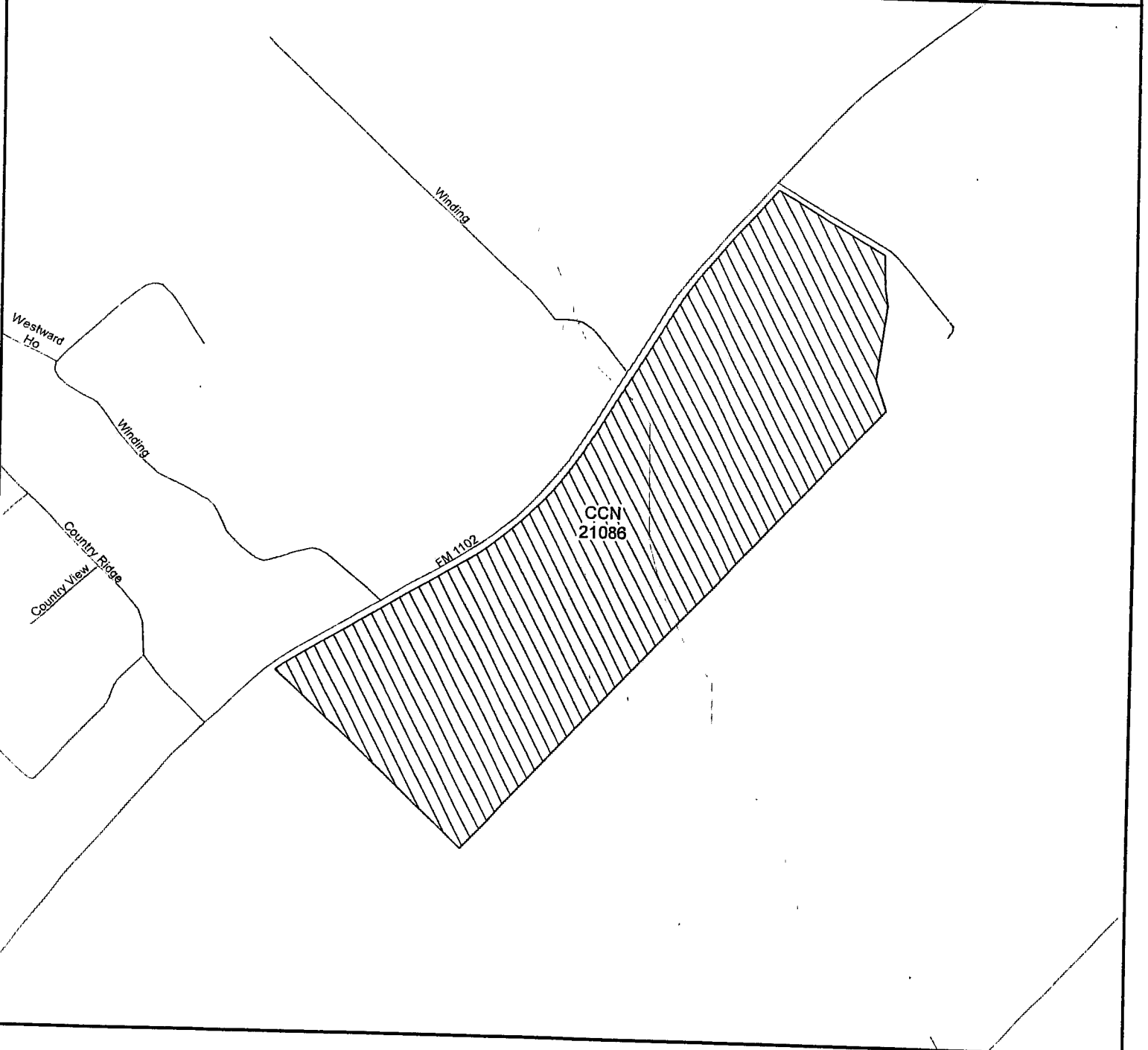
having duly applied for certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled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

Certificate of Convenience and Necessity No. 21086


to provide continuous and adequate sewer utility service to that service area or those service areas in Comal County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44695 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Crystal Clear WSC 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, this 12th day of FEBRUARY 2016.

Crystal Clear WSC
Sewer Service Area
CCN No. 21086
PUC Docket No. 44695
Obtained New CCN in Comal County



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

CCN Sewer Service Area
 21086 - Crystal Clear WSC

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Feet



Map by: Komal Patel
Date created: November 16, 2015
Project Path: n:\finalmapping\44695CrystalClearWSC.mxd

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