

Control Number: 44822



Item Number: 26

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**PUC DOCKET NO. 44822**

**APPLICATION OF DOUBLE  
DIAMOND PROPERTIES  
CONSTRUCTION CO. DBA ROCK  
CREEK RESORT FOR WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN GRAYSON  
COUNTY**

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**PUBLIC UTILITY COMMISSION**

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**OF PUBLIC UTILITY COMMISSION  
FILING CLERK**

**TEXAS**

**COMMISSION STAFF'S CLARIFICATION**

Comes Now, Staff of the Public Utility Commission of Texas (Staff) and files this Clarification. In support thereof, Staff shows the following:

**I. BACKGROUND**

On June 9, 2015, Double Diamond Properties Construction Co. dba Rock Creek Resort (Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to obtain a new water Certificate of Convenience and Necessity (CCN) in Grayson County, Texas.

Order No. 8 instructed Staff to file a clarification on the Application by March 25, 2016, which required a recommendation on the decertification portion of the Application, a certificate for CCN No. 12362, and comments on the need for an additional map.

**II. RECOMMENDATION**

As detailed in the attached memorandum of Heidi Graham of the Water Utilities Division (Attachment A), Staff recommends that the decertification of CCN. No. 12362 should be approved, as it satisfies the requirements of Tex. Water Code § 13.254(a) (TWC). Attachment B includes a certificate for CCN No. 12362.

Staff further recommends that no additional map needs to be filed. The single map filed with Staff's final recommendation captures the intent of the Application and clearly represents the proposed adjustments to both CCN. No. 12362 and CCN No. 13235. However, if the Administrative Law Judge (ALJ) should require additional mapping, Staff respectfully requests that it be allowed adequate time to obtain appropriate consent.

Staff is available to provide the ALJ with any further requested clarifications.

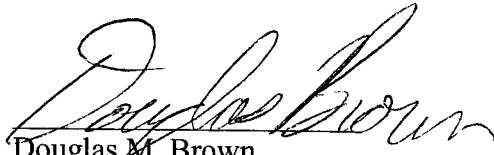
### III. CONCLUSION

Staff respectfully requests the ALJ issue an order consistent with the above recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

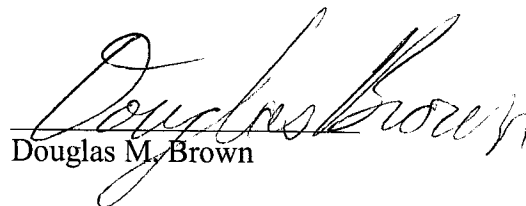
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### DOCKET NO. 44822 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on or before March 24, 2016 in accordance with 16 TAC § 22.74.



Douglas M. Brown

# **ATTACHMENT A**

# **Public Utility Commission of Texas**

## **Memorandum**

**TO:** Doug Brown  
Legal Division

**THRU:** Tammy Benter, Director  
Water Utilities Division

**FROM:** Heidi Graham, Staff Engineer  
Water Utilities Division

**SUBJECT:** Staff Recommendation for Commission Approval of Docket No. 44822

**DATE:** March 23, 2016

On June 9, 2014, the Double Diamond Properties Construction Company dba Rock Creek Resort (Double Diamond or Applicant), filed an application with the Public Utility Commission of Texas (PUCT) to obtain water Certificate of Convenience and Necessity (CCN) No. 13235 and to decertify a portion of CCN No. 12362 held by Northwest Grayson County Water Control Improvement District (WCID) No. 1 in Grayson County, Texas.

On March 13, 2016, Staff was requested to clarify whether the requirements for the decertification of a portion of Northwest Grayson WCID's CCN No. 12362 were met in this application. In addition, Staff was requested to file a CCN Certificate for Northwest Grayson and if appropriate a map of Northwest Grayson's CCN No. 12362.

Texas Water Code (TWC) § 13.254(a) states that the utility commission at any time after notice and hearing may revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder.

The Applicant filed with its application, Attachment 3, which includes a statement that the application was part of an agreement with Northwest Grayson WCID No. 1 to settle a CCN dispute. The agreement, dated April 10, 2015, was filed with the application as Attachment 4, and includes the WCID's consent to decertify a portion of the WCID's CCN No. 12362. The WCID's consent to decertify a portion of their CCN meets the requirements of TWC § 13.254(a).

Staff has attached to this memo, the CCN certificate Northwest Grayson WCID's CCN No. 12362.

The map included with Staff's final recommendation clearly shows the modification of the CCN service areas of Double Diamond and Northwest Grayson WCID No. 1. Both of the entities consented to the attached map, as evidenced by their November 9, 2015 filing. Staff recommends that one map showing the modification of both CCN service areas is sufficient to show the intent of the application.

Staff recommends that the Applicant has met all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations. Approving this application to issue CCN No. 13235 and decertifying a portion of CCN No. 12362 held by Northwest Grayson County WCID No. 1, is necessary for the service, accommodation, convenience and safety of the public.

## **ATTACHMENT B**



# **Public Utility Commission Of Texas**

## **By These Presents Be It Known To All That Northwest Grayson County WCID 1**

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. 12362**

to provide continuous and adequate water utility service to that service area or those service areas in Grayson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44822 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 Northwest Grayson County WCID 1, 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 \_\_\_\_\_ day of \_\_\_\_\_ 2016