



Control Number: 44843



Item Number: 27

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APPLICATION OF CHILDRESS
CREEK WATER SUPPLY
CORPORATION TO AMEND
ITS WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN BOSQUE COUNTY BY
DECERTIFYING THE VM
NEIGHBORS WATER GROUP
TRACTS

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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application filed by Childress Creek Water Supply Corporation (Childress Creek WSC) requesting decertification of a portion of its service area certificated under water certificate of convenience and necessity (CCN) No. 11000 in Bosque County. Public Utility Commission of Texas Staff recommended approval of the amended application. 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 June 16, 2015, Childress Creek WSC filed an application pursuant to Texas Administrative Code §§ 24.102-.105 (TAC) and Texas Water Code § 13.246(c) (TWC).
2. On June 22, 2015, Order No. 1 was issued, requiring Commission Staff's comments on administrative completeness of the application.
3. On March 17, 2016, Childress Creek WSC filed supplemental information to cure the deficiencies in the application.
4. On April 15, 2016, Commission Staff filed comments recommending the application of Childress Creek WSC, as amended, be found administratively complete.
5. On April 20, 2016, Order No. 6 was issued, deeming Childress Creek WSC's amended application administratively complete and requiring Childress Creek WSC to provide and

publish notice of the application.

6. On June 2, 2016, Order No. 7 was issued, establishing deadlines for Commission Staff to provide final maps and certificates to the applicant, for the applicant to file consent forms with the Commission, and for Commission Staff to file a recommendation.
7. On July 15, 2016, Childress Creek WSC filed a consent form with the Commission.
8. On August 22, 2016, Commission Staff filed a final recommendation in favor of approving the application, as amended.
9. On August 29, 2016, Commission Staff filed a Proposed Notice of Approval.
10. On August 29, 2016, Commission Staff filed a Motion to Admit Evidence. Staff requested that certain evidence be admitted into the record in support of the Proposed Notice of Approval.

Description of the Application

11. Childress Creek WSC's application requested to decertify a portion of its water CCN No. 11000, the VM Neighbors Water Group tracts, including Tract 1 and Tracts 3-10.
12. The affected tracts are not currently receiving, nor have they ever received water services from the applicant. In 2012, VM Neighbors Water Group entered into a Water Purchase Agreement with Command Decisions, Inc. to operate a water delivery system to serve Tracts 3-10.
13. Childress Creek WSC's amended water CCN No.11000 certificate and service area map are attached to this Notice.

Notice

14. On July 3, 2015, notice of Childress Creek WSC's application was published in the *Texas Register*.
15. On May 19, 2016, Childress Creek WSC filed affidavits regarding the provision and publication of notice of the application. Notice was provided to affected parties on April 26, 2016. Notice was published in the *Clifton Record*, a newspaper of general circulation in Bosque County, Texas, on April 27, 2016 and May 4, 2016.

Evidence

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

Informal Disposition

17. More than 15 days have passed since completion of the notice of this docket.
18. The Commission received no protests, motions to intervene, or requests for hearing.
19. Childress Creek WSC No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction over Childress Creek WSC's application under TWC §§ 13.241, 13.246 and 13.254.
2. Childress Creek WSC is a retail public utility as defined by TWC § 13.002(19) and 16 TAC § 24.3(58).
3. Notice of Childress Creek WSC's application was provided to affected parties as required by TWC § 13.246 and 16 TAC § 24.113.
4. Childress Creek WSC's application was processed in accordance with the requirements of the Administrative Procedures Act, Texas Government Code §§ 2001.001-2001.902, TWC §§ 13.241, 13.246, and 13.254, and 16 TAC §§ 24.102, 24.106, and 24.113.
5. Based on the evidence admitted into the record, Childress Creek WSC has demonstrated that it has adequate financial, managerial, and technical capability to provide continuous and adequate service to customers in its service area located and certificated under water CCN No. 11000 after the decertification. Additionally, Childress Creek WSC has demonstrated that the application meets the requirements in TWC §§ 13.241, 13.246, and 13.254 and 16 TAC §§ 24.102, 24.106, and 24.113.
6. An amendment of Childress Creek WSC's water CCN No. 11000 is necessary for the service, accommodation, convenience, or 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), Childress Creek 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.
8. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding. At least 15 days have passed since the completion of notice requirements, and a hearing on the merits is not necessary.


III. Ordering Paragraphs

The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. Childress Creek WSC's application, as amended, is approved.
2. Childress Creek WSC's water CCN No. 11000 is amended.
3. Childress Creek WSC will provide continuous and adequate retail water services to its remaining service area certificated under water CCN No. 11000 after the decertification.
4. Childress Creek WSC shall comply with the recording requirements of TWC § 13.257(r) for the area in Bosque County affected by the 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 on the 7th day of September 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE

W2013

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Childress Creek Water Supply Corporation

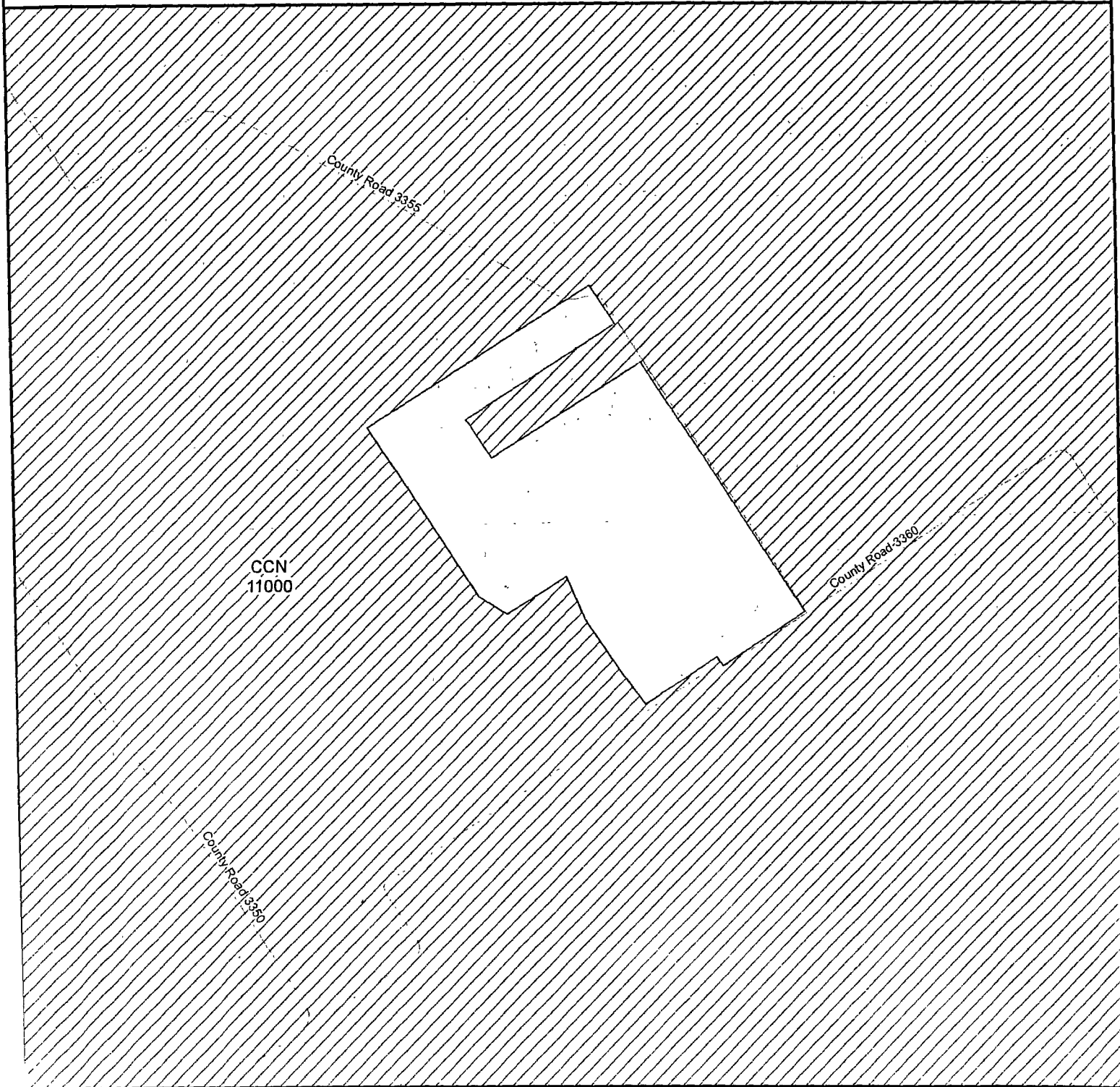
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Childress Creek Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11000

to provide continuous and adequate water utility service to that service area or those service areas in Bosque and McLennan Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44843 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 Childress Creek Water Supply Corporation 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 7th day of September 2016.

Childress Creek Water Supply Corporation
Portion of Water Service Area
CCN No. 11000
PUC Docket No. 44843
Amended CCN No. 11000 in Bosque and McLennan Counties



Water CCN Service Area



11000 - Childress Creek Water Supply Corporation