



Control Number: 44849



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DOCKET NO. 44849

APPLICATION OF VM NEIGHBORS §
WATER GROUP FOR EXEMPT §
UTILITY REGISTRATION §

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PUBLIC UTILITY COMMISSION
OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL AND REQUEST TO ADMIT EVIDENCE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, along with VM Neighbors Water Group (VM Neighbors) (jointly, the Parties), and files this Joint Proposed Notice of Approval and Request to Admit Evidence. In support thereof, the Parties show the following:

I. BACKGROUND

On June 16, 2015, VM Neighbors Water Group (VM Neighbors) filed an application for exempt utility registration pursuant to Tex. Water Code § 13.242(c) (West 2008 & Supp. 2017) (TWC) and 16 Tex. Admin. Code § 24.103(e). On November 14, 2017, Order No. 9 was issued, requiring the Parties to file a joint proposed notice of approval by December 29, 2017. Therefore, this pleading is timely filed.

II. REQUEST TO ADMIT EVIDENCE

The Parties request to admit the following evidence into the record of this proceeding:

- (a) VM Neighbors' application for exempt utility registration and all attachments thereto, filed on June 17, 2015;
- (b) VM Neighbors' supplement to the application and all attachments thereto, filed on July 28, 2017; and
- (c) Commission Staff's Final Recommendation and all attachments thereto, filed on November 1, 2017.

III. PROPOSED NOTICE OF APPROVAL

Staff and VM Neighbors are the only parties in this proceeding and have no issues of fact or law in dispute. The Parties have agreed on the attached Joint Proposed Notice of Approval

(Attachment A). The Parties request that the Commission approve the Joint Proposed Notice of Approval.

IV. CONCLUSION

Staff has conferred with counsel for VM Neighbors and is authorized to file this pleading on its behalf. Therefore, the Parties respectfully request that the Commission grant the motion to admit evidence and adopt the attached Joint Proposed Notice of Approval.

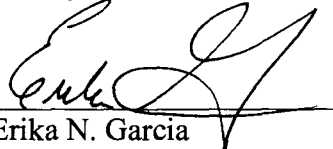
Dated: December 28, 2017

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

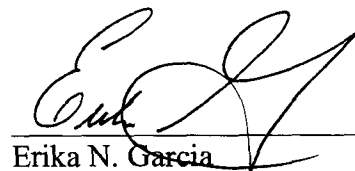
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DOCKET NO. 44849 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 28, 2017 in accordance with 16 TAC § 22.74.



Erika N. Garcia

ATTACHMENT A

DOCKET NO. 44849

APPLICATION OF VM NEIGHBORS	§	PUBLIC UTILITY COMMISSION OF
WATER GROUP FOR EXEMPT	§	TEXAS
UTILITY REGISTRATION	§	
	§	

PROPOSED NOTICE OF APPROVAL

Come now, Applicant VM Neighbors Water Group (VM Neighbors) and the Staff of the Public Utility Commission (Commission) to file their Joint Proposed Notice of Approval.

This Joint Proposed Notice of Approval addresses VM Neighbors' application for exempt utility registration under Texas Water Code § 13.242(c) (West Supp. 2016) (TWC) and 16 Tex. Admin. Code § 24.103(e) (TAC). The application is approved.

The Commission adopts the makes the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

Procedural History

1. On June 16, 2015, VM Neighbors filed an application for exempt utility registration pursuant to TWC § 13.242(c) and 16 TAC § 24.103(e).
2. On June 18, 2015, Order No. 1 was issued, requiring Staff to file comments on administrative completeness of the application, how the petition should be processed, and a proposed procedural schedule.
3. On July 15, 2015, Staff filed a response to Order No. 1, recommending that the application be deemed deficient and establishing deadlines for VM Neighbors to cure the deficiencies. Staff further recommended that because Docket 44849 was contingent upon decertification of VM Neighbors property from the certificated area of Childress Creek Water Supply Corporation (Childress Creek), Certificate of Convenience and Necessity (CCN) No. 11000, in Docket No. 44843,¹ that VM Neighbors request to abate this proceeding until the complete processing of Docket No. 44843.

¹ *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*, Docket No. 44843 (Sep. 7, 2016).

4. On July 16, 2015, Order No. 3 was issued, deeming the application deficient and establishing deadlines for VM Neighbors to cure the deficiencies and requiring VM Neighbors to request an abatement until the full processing of Docket No. 44843 or to explain how Docket No. 44849 could continue without the relief requested in Docket No. 44843.
5. On August 14, 2015, VM Neighbors filed a response to Order No. 2, requesting to abate Docket No. 44849 and requesting an extension to respond to deficiencies in the application.
6. On August 20, 2015, Order No. 4 was issued, granting VM Neighbors request to abate and cancelling all previously established deadlines.
7. On September 7, 2016, the Commission issued its Notice of Approval of Childress Creek's application to amend its CCN in Docket No. 44843.
8. On November 8, 2016, VM Neighbors filed a Status Update in this docket informing the Commission that it would move to lift the abatement soon.
9. On May 30, 2017, Order No. 4 was issued, requiring VM Neighbors to file a status report or motion to lift the abatement no later than June 16, 2017.
10. On June 9, 2017, VM Neighbors filed a Status Update notifying the Commission of VM Neighbors' process to elect new directors and officers and its intent to file a motion to lift the abatement thereafter.
11. On June 30, 2017, Order No. 5 was issued, requiring another status update from VM Neighbors, and VM Neighbors filed a Status Update on July 3, 2017, informing the Commission of an agreed schedule with Staff to move to lift the abatement and supplement its application.
12. On July 28, 2017, VM Neighbors filed its Motion to Lift Abatement and Supplement to Application, moving to lift the abatement and providing materials responsive to Order No. 2.
13. On August 1, 2017, Order No. 6 was issued, granting VM Neighbors' motion to lift the abatement and setting a deadline for Staff to file a recommendation on administrative completeness of the amended application.
14. On August 28, 2017, Staff filed a recommendation on administrative completeness, recommending that the application remained administratively incomplete because of the inclusion of area within the boundaries of the Middle Trinity Groundwater Conservation District.

15. On August 29, 2017, Order No. 7 was issued, declaring the application administratively incomplete and setting a deadline for VM Neighbors to cure the deficiencies in the application by securing written authorization from the Middle Trinity Groundwater Conservation District.
16. On September 25, 2017, VM Neighbors filed a response to Order No. 7, including information showing that the Middle Trinity Groundwater Conservation District is not a district of the type from which VM Neighbors needs written authorization to operate.
17. On September 29, 2017, Commission Staff filed its recommendation that the application be found sufficient and proposed a procedural schedule.
18. On October 4, 2017, Order No. 8 was issued, deeming the application administratively complete and setting a procedural schedule.
19. On November 1, 2017, Commission Staff filed its final recommendation, recommending that the application be approved.
20. On November 14, 2017, VM Neighbors filed a response to Staff's final recommendation, requesting additional time to work with Staff to prepare and file an agreed revised tariff.
21. On November 14, 2017, Order No. 9 was issued, granting VM Neighbors request for an extension and amending the procedural schedule.
22. On December 13, 2017, VM Neighbors filed a supplemental response and an agreed revised tariff.
23. The parties have resolved all issues regarding the application. No protests and no requests for hearing were filed.
24. All factual criteria for informal resolution pursuant to 16 TAC § 22.35 are present in this proceeding.

Certificate Not Required

25. The Commission has considered the factors listed in TWC § 13.242(c) and 16 TAC § 24.103(e).
26. VM Neighbors is a utility that has less than 15 potential service connections.
27. VM Neighbors is not owned by or affiliated with a retail public utility or any other provider of potable water service.
28. VM Neighbors is not within the certificated area of another retail public utility.
29. VM Neighbors is not within the corporate boundaries of a district or municipality.

II. CONCLUSIONS OF LAW

30. The Commission has jurisdiction over these matters pursuant to TWC § 13.242(c) and 16 TAC § 24.103(e).
31. VM Neighbors is eligible to operate without a CCN pursuant to TWC § 13.242(c) and 16 TAC § 24.103(e).
32. This application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.103(e).
33. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

In accordance with the foregoing findings of fact and conclusions of law, the Commission issues the following orders:

1. VM Neighbors' application for exempt utility registration is approved;
2. VM Neighbors is registered as an exempt water utility and assigned Exempt Registration No. _____.
3. 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 _____ day of January, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

BRANDY MARTY MARQUEZ, COMMISSIONER

ARTHUR C. D'ANDREA, COMMISSIONER