



Control Number: 44892



Item Number: 48

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DOCKET NO. 44892

APPLICATION OF CITY OF
LUBBOCK TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN LUBBOCK
COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

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NOTICE OF APPROVAL

This Notice addresses the application of the City of Lubbock to amend its water and sewer certificates of convenience and necessity No. 10627 and No. 20230, respectively, in Lubbock County. Commission Staff recommended approval of the 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 30, 2015, the City filed an application with the Commission to amend its water CCN No. 10627 in Lubbock County.
2. On October 28, 2015, the City filed an amended application to request an amendment to the City's sewer CCN No. 20230 in addition to the water CCN No. 10627.
3. On August 24, 2015, January 22, 2016, March 3, 2016, April 8, 2016, September 30, 2016, and November 15, 2016, the City filed supplemental information, which included additional mapping information.
4. On May 10, 2016, Order No. 8 was issued, deeming the application, as amended, administratively complete, addressing notice, and establishing a procedural schedule.
5. The application was also supplemented by discovery responses on August 4, 2016 and October 14, 2016.
6. On December 15, 2016, the City filed a signed consent form evidencing agreement with the revised map and certificates as prepared by Commission Staff.

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7. On January 3, 2017, Commission Staff recommended approval of the application as amended, and provided copies of the revised water and sewer service area maps and certificates.
8. The revised maps and certificates referenced in findings of fact No. 6 and 7 are attached to this Notice.
9. On January 17, 2017, the parties filed a joint proposed notice of approval and motion to admit evidence.
10. On February 21, 2017, Commission Staff clarified that consent from Lubbock County WCID #1 is not required.
11. On February 27, 2017, Order No. 15 was issued admitting evidence into the record.

Description of the Application

12. The City seeks to amend its water and sewer CCN service areas.
13. The City seeks to amend its existing certificated water and sewer CCN service areas to include all of the area within the corporate boundaries of the City and city-owned properties as of June 1, 2015.
14. The area being amended for the water CCN includes approximately 84,256 total acres and 82,172 current water customers.
15. The area being amended for the sewer CCN includes approximately 83,571 acres and 77,293 current sewer customers.

Notice

16. On July 17, 2015, notice of the application was published in the *Texas Register*.
17. On May 15, 2016 and May 22, 2016, notice was provided by publication in the *Lubbock Avalanche Journal*, a newspaper of general circulation in Lubbock County.
18. On May 18, 2016, the City mailed notice of the application to customers, neighboring systems, cities and other affected parties in Lubbock County.
19. On May 31, 2016, the City filed affidavits of notice attesting to mailed and published notice.

Informal Disposition

20. More than 15 days have passed since completion of the notice provided in this docket.
21. No protests or hearing requests were filed in response to the public notice.
22. Commission Staff and the City are the only parties to the proceeding.
23. The requirements for informal disposition have been met in this proceeding.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket under Texas Water Code §§ 13.242- 13.250 (TWC) and 16 Texas Administrative Code §§ 24.101 - 24.107 (TAC).
2. The City is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. After considering the relevant factors in TWC § 13.246(c), the City is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area, as required by TWC § 13.241(a).
5. The City has demonstrated that the application meets the requirements set forth in TWC §§ 13.242 - 13.250 and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its CCNs.
6. The City has demonstrated that an amendment of its water CCN No. 10627 and sewer CCN No. 20230 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).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), the City is required to record a certified copy of the approved CCNs and maps, 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 in 16 TAC § 22.35 have been met in this proceeding.

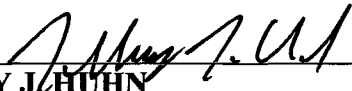
III. Ordering Paragraphs

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

1. The City's application, as amended, is approved.
2. The City's water CCN No. 10627 is amended and approved consistent with this Notice.
3. The City shall serve every customer and applicant for water service within the area certified under CCN No. 10627, and such service shall be continuous and adequate.
4. The City's sewer CCN No. 20230 is amended and approved consistent with this Notice.
5. The City shall serve every customer and applicant for sewer service within the area certified under CCN No. 20230, and such service shall be continuous and adequate.
6. The City shall comply with the recording requirements in TWC § 13.257(r) for the area in Lubbock County affected by the application and shall submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the 6th day of March 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By-These Presents Be It Known To All That

City of Lubbock

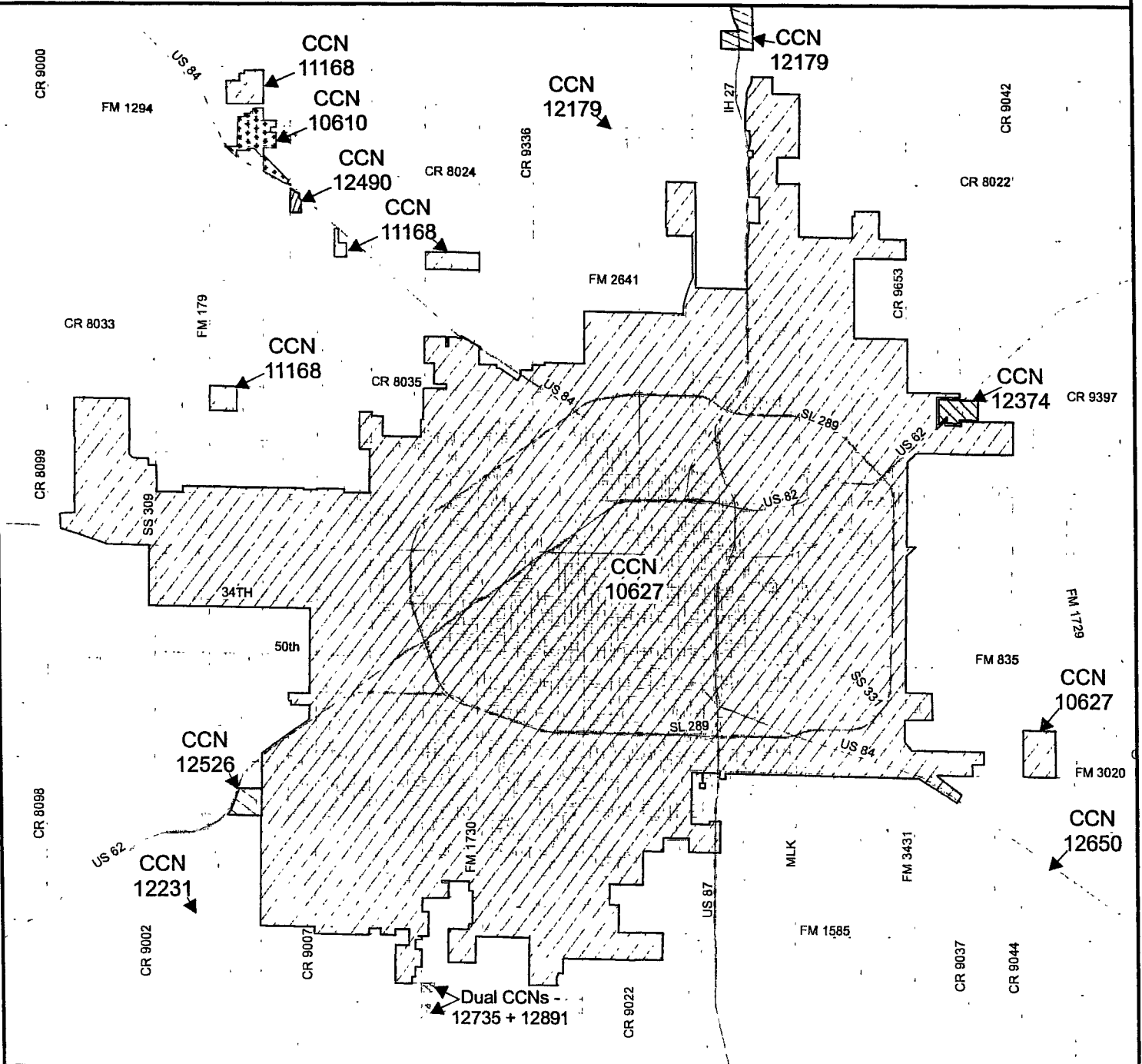
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Lubbock is entitled to this

Certificate of Convenience and Necessity No. 10627

to provide continuous and adequate water utility service to that service area or those service areas in Lubbock County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44892 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 City of Lubbock, 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 6th day of March 2017.

City of Lubbock
Water Service Area
CCN No. 10627
PUC Docket No. 44892
Amended CCN No. 10627 in Lubbock County



Water CCN Service Areas

10627 - City of Lubbock

10610 - City of Shallowater

11080 - New Deal WSC

11168 - Smith Management Services

12179 - North University Estates Water

12231 - Casey Homes Estates Water

12374 - Franklin Water Service Co

12490 - Country View Water System

12526 - AIM Water Company

12650 - Texin Enterprises Water System

12735 - Southwest Water System

12891 - Southwest Gardens Water



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

Map by: Kristy Nguyen
Date created: December 12, 2016
Project Path: n:\Final Maps\44892Water.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Lubbock

having obtained 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, City of Lubbock is entitled to this

Certificate of Convenience and Necessity No. 20230

to provide continuous and adequate sewer utility service to that service area or those service areas in Lubbock County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44892 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 City of Lubbock, 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 6th day of MARCH 2017.

