



Control Number: 44950



Item Number: 27

Addendum StartPage: 0

APPLICATION OF CITY OF MOUNT §
PLEASANT FOR AMENDMENT TO §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TITUS COUNTY §

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PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), and the City of Mount Pleasant (Mount Pleasant) (jointly, Parties) and file this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

I. BACKGROUND

On July 16, 2015, City of Mount Pleasant (Mount Pleasant) filed with the Commission an application to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 10509 and 20196 in Titus County, Texas and to decertify a portion of TRI Special Utility District's (TRI SUD) water CCN No. 10402.

II. MOTION TO ADMIT EVIDENCE

Staff moves to admit the following into the record evidence of this proceeding: (a) Mount Pleasant's application, filed on July 16, 2015; (b) Mount Pleasant's supplemental information filings, filed on September 17, 2015; October 8, 2015; November 16, 2015; March 4, 2016; April 29, 2016 and August 2, 2016; (c) Mount Pleasant's Consent Form, filed August 4, 2016; and (d) Commission Staff's final recommendation of approval of the application, with attached maps and CCNs, filed on August 24, 2016.

III. PROPOSED NOTICE OF APPROVAL

The attached Proposed Notice of Approval would grant Mount Pleasant's application to amend its water and sewer CCN Nos. 10509 and 20196 in Titus County, Texas and to decertify a portion of TRI SUD's water CCN No. 10402.

IV. CONCLUSION

Staff respectfully request that the Commission grant the Motion to Admit Evidence and the attached Joint Proposed Notice of Approval.

Dated: September 12, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



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State Bar No. 24088216
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)

DOCKET NO. 44950

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 12, 2016 in accordance with 16 TAC § 22.74.



DOCKET NO. 44950

APPLICATION OF CITY OF MOUNT PLEASANT FOR AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY IN TITUS COUNTY	§ § §	PUBLIC UTILITY COMMISSION OF TEXAS
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JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Mount Pleasant (Mount Pleasant) to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 10509 and 20196 in Titus County, Texas and to decertify a portion of TRI Special Utility District's (TRI SUD) water CCN No. 10402. The Public Utility Commission Staff ("Commission Staff") recommended approval of this application. The application is approved.

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

I. FINDINGS OF FACT

Procedural History

1. On July 16, 2015, Mount Pleasant filed an Application to amend its water and sewer CCN Nos. 10509 and 20196 in Titus County, Texas and to decertify a portion of TRI SUD's water CCN No. 10402.
2. On July 22, 2015, Order No. 1 was issued, requiring comments on administrative completeness.
3. Mount Pleasant filed supplemental information on September 17, 2015; October 8, 2015; November 16, 2015; and March 4, 2016 in response to Order Nos. 2, 3, and 4 that found the application deficient, filed on August 21, 2015; October 19, 2016; and December 18, 2015.
4. On April 4, 2016, Order No. 7 was issued, deeming the application administratively complete and establishing a procedural schedule.
5. On April 29, 2016, Mount Pleasant filed proof of notice in addition to supplemental information for the application.
6. On August 2, 2016, Mount Pleasant filed information indicating that all of Mount Pleasant's Texas Commission on Environmental Quality violations had been resolved.

7. On August 4, 2016, Mount Pleasant and TRI SUD filed consent forms to the maps transmitted to them by email on August 1, 2016.
8. On August 24, 2016, Commission Staff filed a final recommendation for approval of the application to which Commission Staff attached the final maps and certificates documenting the amendments to the respective CCNs of Mount Pleasant and TRI SUD.
9. The final maps and CCN certificates referenced in Findings of Fact No. 8 are attached to this Notice of Approval.

Notice

10. The Commission caused notice of this application to be published in the *Texas Registrar* on July 22, 2015.
11. Notice was provided by publication in the *Mount Pleasant Daily Tribune* on April 8, 2016 and April 15, 2016.
12. A publisher's affidavit was filed on April 29, 2016.
13. Mount Pleasant mailed notice of the application to neighboring systems, landowners, and cities and to affected parties on April 8, 2016.

Evidentiary Record

14. On _____, Order No. ____ was issued, admitting evidence into the record of this proceeding.

Description of the Application

15. The total proposed service area addition requested in this application consists of approximately 58 current customers and 1,060 acres for the water CCN No. 10509 and 1,674 for the sewer CCN No. 20196.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. Mount Pleasant and Commission Staff are the only parties to this proceeding.
18. No issues of fact or law remain disputed by any party.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code §§ 13.041, 13.241, 13.244, 13.246 and 13.255 (TWC).
2. Mount Pleasant is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code 24.3(58) (TAC).
3. Mount Pleasant provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of TWC § 13.244 – 13.255 and 16 TAC §§ 24.102 and 24.105.
5. After considering the factors in TWC § 13.246(c), Mount Pleasant has 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.
6. Mount Pleasant has demonstrated the application meets the requirements set forth in TWC §§ 13.241, 13.244, 13.246 and 13.255, and 16 TAC §§ 24.101-24.102 and 24.104-24.106.
7. Approval of the application 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).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Mount Pleasant 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.
9. 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:

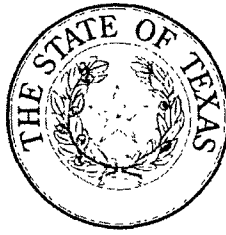
1. Mount Pleasant's application is approved.
2. Mount Pleasant's water CCN No. 10509 is hereby amended to reflect the addition of 1,060.48 acres in Titus County and TRI SUD's water CCN No. 10402 is amended to reflect the loss of these acres. Mount Pleasant's sewer CCN No. 20196 is hereby amended to reflect the addition of 1,674.56 acres in Titus County.

3. Mount Pleasant shall comply with the recording requirements in TWC § 13.257(r) for the area in Titus 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 any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS on the ____ day of _____, 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

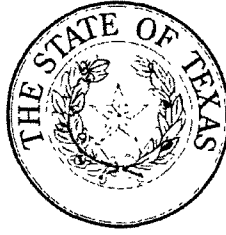
City of Mount Pleasant

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 Mount Pleasant is entitled to this

Certificate of Convenience and Necessity No. 10509

to provide continuous and adequate water utility service to that service area or those service areas in Titus County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44950 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of City of Mount Pleasant 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, the _____ day of _____ 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

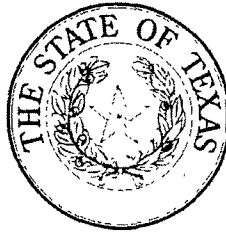
City of Mount Pleasant

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 Mount Pleasant is entitled to this

Certificate of Convenience and Necessity No. 20196

to provide continuous and adequate sewer utility service to that service area or those service areas in Titus County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44950 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of City of Mount Pleasant 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, the _____ day of _____ 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

TRI Special Utility District

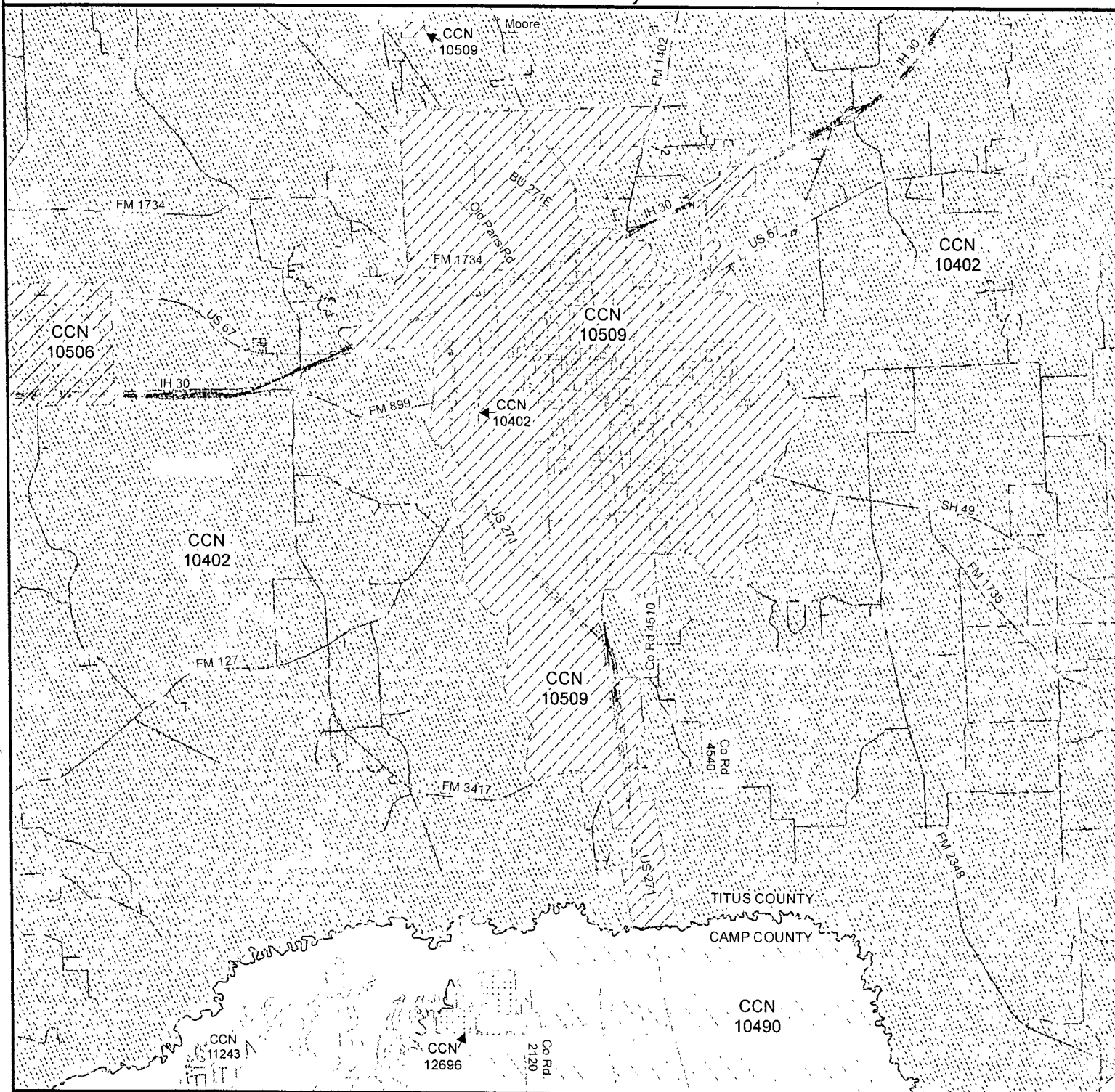
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, TRI Special Utility District is entitled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

Certificate of Convenience and Necessity No. 10402

to provide continuous and adequate water utility service to that service area or those service areas in Camp, Franklin, Morris, and Titus, Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44950 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of TRI Special Utility District 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, the _____ day of _____ 2016.



City of Mount Pleasant
Water Service Area
CCN No. 10509
PUC Docket No. 44950
Amended CCN No. 10509 and Decertified a Portion of TRI Special Utility District, CCN No. 10402
in Titus County



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

Water CCN Service Areas

-  10509 - City of Mount Pleasant
-  10402 - TRI SUD
-  10490 - BI County WSC
-  12696 - Alpha Utility of Camp County

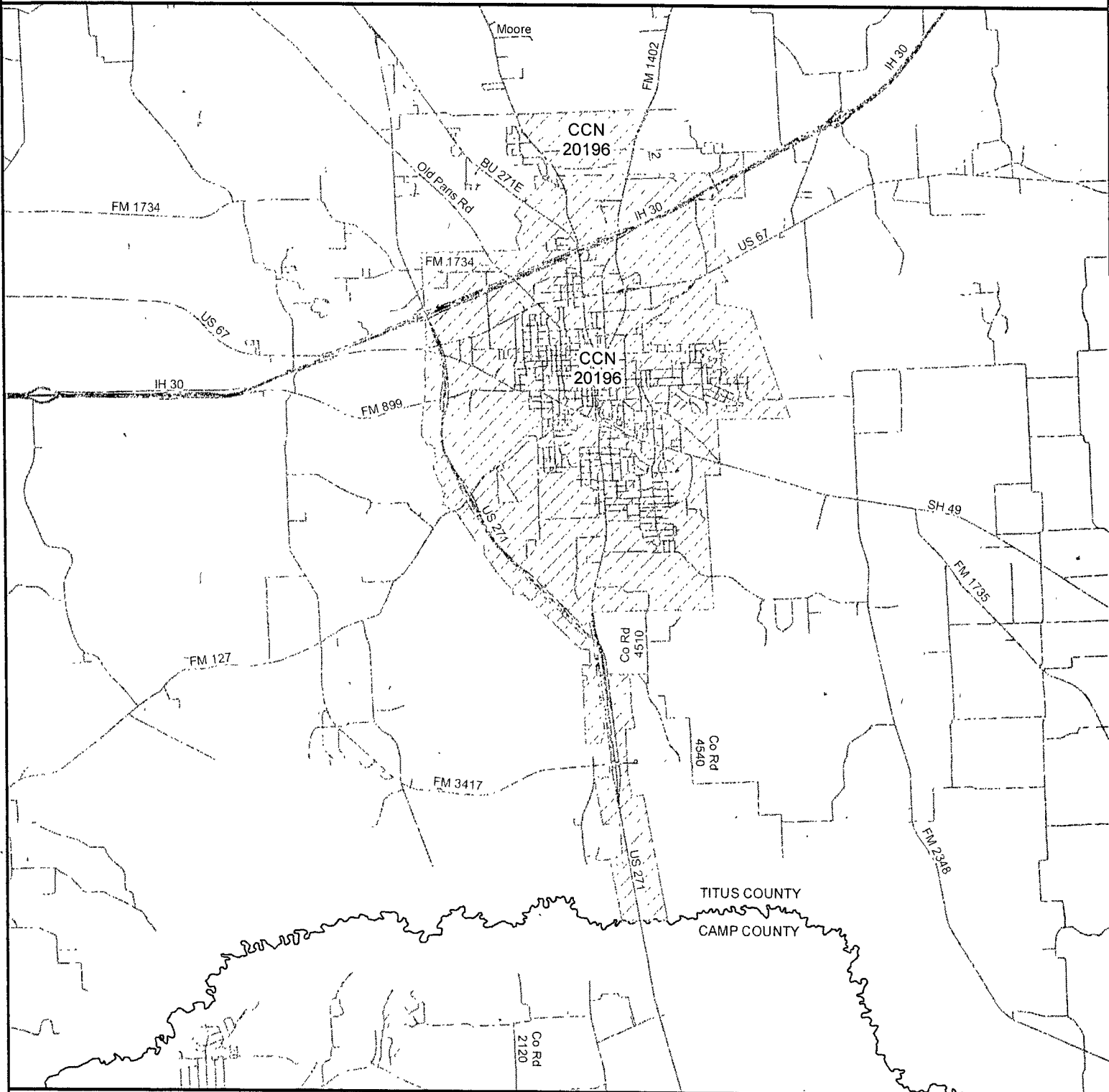
-  11243 - Thunderbird Bay Water Services
-  10506 - City of Windfield

0 0.75 1.5
Miles




Map by Komal Patel
Date created: July 8, 2016
Project Path: n:\finalmapping\44950\CityofMtPleasantWater.mxd

City of Mount Pleasant
Sewer Service Area
CCN No. 20196
PUC Docket No. 44950
Amended CCN No. 20196 in Titus County



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

Sewer CCN Service Area

 20196 - City of Mount Pleasant

0 0.75 1.5
Miles



Map by: Komal Patel
Date created: July 8, 2016
Project Path: n\finalmapping\44950CityofMtPleasantSewer.mxd