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DOCKET NO. 44950

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

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

### NOTICE OF APPROVAL

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

1. On July 16, 2015, Mount Pleasant filed an application to amend its water and sewer CCN Nos. 10509 and 20196 in Titus County 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.
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, agreeing to Commission Staff's proposed maps and certificates.
8. On August 24, 2016, Commission Staff filed a final recommendation for approval of the application, as amended.
9. The maps and certificates referenced in Findings of Fact No. 7 are attached to this Notice.
10. On September 13, 2016, Order No. 8 was issued, admitting evidence into the record of this proceeding.

**Description of the Application**

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

**Notice**

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

**Informal Disposition**

16. More than 15 days have passed since completion of the notice in this docket.
17. Mount Pleasant and Commission Staff are the only parties to this proceeding
18. No protests have been filed. No requests for a hearing have been filed. No issues of fact or law are disputed by any party; therefore, no hearing is necessary.

**II. Conclusions of Law**

1. The Commission has jurisdiction over these matters pursuant to Texas 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 Texas Administrative 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. Under TWC § 13.257(r) and 16 TAC § 24.106(f), TRI SUD 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.
10. 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 orders:

1. Mount Pleasant's application, as amended, is approved.

2. Mount Pleasant's water CCN No. 10509 and sewer CCN No. 20196 are amended consistent with this Notice.
3. TRI SUD's water CCN No. 10402 is amended consistent with this Notice.
4. Mount Pleasant shall serve every customer and applicant for water and sewer service within the area certified under CCN Nos. 10509 and 20196, and such service shall be continuous and adequate.
5. TRI SUD shall serve every customer and applicant for water service within the area certified under CCN No. 10402, and such service shall be continuous and adequate.
6. 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.
7. TRI SUD 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.
8. 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 15<sup>th</sup> day of September 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

  
STEPHANIE FRAZZELL  
ADMINISTRATIVE LAW JUDGE