

Control Number: 44992



Item Number: 28

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APPLICATION OF TEXAMERICA §  
 CENTER AND RIVERBEND WATER §  
 RESOURCES DISTRICT FOR SALE, §  
 TRANSFER, OR MERGER OF §  
 FACILITIES AND CERTIFICATE §  
 RIGHTS IN BOWIE COUNTY §

PUBLIC UTILITY COMMISSION

2016 JUN 2 11:10:49  
 PUBLIC UTILITY COMMISSION  
 OF TEXAS  
 FILING CLERK

## JOINT PROPOSED NOTICE OF APPROVAL AND REQUEST TO ADMIT EVIDENCE

COMES NOW Staff (Staff) of the Public Utility Commission (Commission) files this Joint Proposed Notice of Approval and Request to Admit Evidence.

### I. Background

On July 30, 2015, Riverbend Water Resources District (Riverbend) and TexAmericas Center (collectively, Applicants) filed an application for approval of a sale, transfer, or merger of facilities and certificate rights in Bowie County, Texas pursuant to Tex. Water Code Ann. §§ 13.301, 13.246, and 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.109, and 24.112 (TAC). The Applicants seek approval to transfer TexAmericas Center's water Certificate of Convenience and Necessity (CCN) No. 13210 and sewer CCN No. 21067 to Riverbend. This Joint Proposed Notice of Approval and Request to Admit Evidence includes findings of fact, conclusions of law, and ordering paragraphs. The Applicants have reviewed and agree to the Proposed Notice of Approval attached hereto. The Proposed Notice of Approval is timely filed on or before June 8, 2016.

### I. Request to Admit Evidence

The Applicants and Staff request to admit the following evidence into the record of this proceeding:

- a) Application of Riverbend and TexAmericas Center and all attachments, filed July 30, 2015;
- b) Additional mapping information, filed on August 3, 2015;
- c) Affidavit of notice to neighboring utilities and affected parties, filed on October 16, 2015;
- d) Response to Staff's First Requests for Information (RFI) to Riverbend and TexAmericas Center, filed on November 23, 2015;
- e) Supplemental Response to Staff's First RFI to Riverbend, filed on December 8, 2015;
- f) Staff's Recommendation on the Sale and all attachments, filed on December 22, 2015;

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- g) Closing Documents to STM and all attachments, filed on May 5, 2016;
- h) Supplemental information regarding customer deposits, filed on May 6, 2016;
- i) Staff's Recommendation Regarding Sufficiency of Closing Documents and Proposed Procedural Schedule, filed on March 25, 2016; and
- j) Consent form to maps and CCN certificates filed by Riverbend on May 25, 2016.

## **II. Proposed Notice of Approval**

The Proposed Notice of Approval (Attachment A) would approve the application for the transfer of TexAmericas Center's water and sewer certificates in Bowie County, Texas to Riverbend.

## **III. Conclusion**

Staff has reviewed the application and recommends its approval. Staff respectfully requests that the Commission adopt the attached findings of fact and conclusions of law as well as granting the admittance of the specified pieces of evidence.

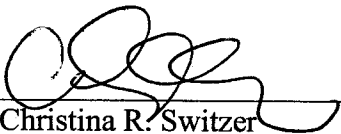
**DATED: June 8, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

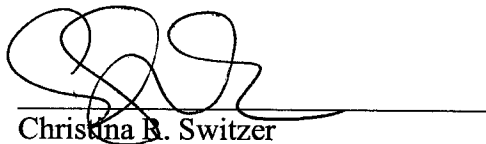


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**DOCKET NO. 44992**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 8, 2016, in accordance with 16 TAC § 22.74.



Christina R. Switzer

**DOCKET NO. 44992**

<b>APPLICATION OF TEXAMERICA</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CENTER AND RIVERBEND WATER</b>	<b>§</b>	
<b>RESOURCES DISTRICT FOR SALE,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN BOWIE COUNTY</b>	<b>§</b>	

**PROPOSED NOTICE OF APPROVAL**

This Proposed Notice of Approval addresses the application for the sale, transfer, or merger of facilities and certificate rights Bowie County, Texas, currently held by TexAmerica Center (TexAmerica Center or Seller) to Riverbend Water Resource District (Riverbend or Purchaser) (collectively, Applicants). Through this application, Riverbend seeks approval to transfer TexAmerica Center's retail water Certificate of Convenience (CCN) No. 13210 and sewer CCN No. 21067 to Riverbend. In addition, Riverbend seeks registration as an exempt utility. Staff (Staff) of the Public Utility Commission of Texas (Commission) has recommended approval of the application and confirmed that the sale was consummated and customer deposits addressed. The application is approved.

Consistent with the above discussion, the Administrative Law Judge (ALJ) makes the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Procedural History, Description, and Background**

1. On July 30, 2015, the Applicants filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Bowie County, Texas.
2. TexAmerica owns facilities in Bowie County, Texas and corresponding water CCN No. 13210 and sewer CCN No. 21067.
3. Approval of the application would transfer TexAmerica's water and sewer CCNs and facilities to Riverbend. Riverbend will take the TexAmerica's water CCN No. 13210 and sewer CCN NO. 21067.
4. On August 3, 2015, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments/recommendation regarding administrative completeness of the application.
5. On August 3, 2015, the Commission caused notice of the application to be issued.

6. On September 4, 2015, Staff filed its Response to Order No. 1 recommending that the application be found administratively incomplete pursuant to 16 Tex. Admin. Code §§ 24.109 and 24.112.
7. On August 4, 2015, Riverbend filed additional mapping information.
8. On August 31, 2015, Staff filed a response to Order No. 1 recommending that the application and notice be found administratively complete and proposed a procedural schedule.
9. On September 1, 2015, Staff filed a corrected response to Order No. 1 to include the attachments that were inadvertently omitted.
10. On September 2, 2015, the ALJ issued Order No. 2 finding the application administratively complete and establishing a procedural schedule.
11. On October 16, 2015, Riverbend filed an affidavit of notice to neighboring utilities and affected parties.
12. On November 2, 2015, Staff filed its first request for information (RFI) to Riverbend and its first RFI to TexAmericas Center.
13. On November 23, 2015, Applicants filed responses to Staff's first RFIs.
14. On December 8, 2015, Riverbend supplemented its response to Staff RFI 1-3.
15. On December 22, 2015, Staff filed its Recommendation on the sale recommending the sale proceed.
16. On January 5, 2016, the ALJ issued Order No. 5 approving the sale to proceed.
17. On May 5, 2016, Riverbend filed a fourth and final update that included closing documents.
18. On May 6, 2016, Riverbend filed supplemental information regarding customer deposits.
19. On May 17, 2016, Staff filed its Recommendation Regarding Sufficiency of Closing Documents and Proposed Procedural Schedule recommending the closing documents were sufficient to demonstrate that Riverbend and TexAmericas Center consummated the sale.
20. On May 18, 2016, the ALJ issued Order No. 6 finding the closing documents sufficient and establishing a procedural schedule.
21. On May 25, 2016, Riverbend filed consent form to maps and CCN certificates.
22. On June 8, 2016, Riverbend, TexAmericas Center, and Staff filed a Proposed Notice of Approval.

**Notice**

23. Notice of the application was mailed to current customers, neighboring systems, landowners, cities and affected parties on September 14, 18, and 23, 2015.

24. On October 16, 2015, Riverbend filed an affidavit of notice to neighboring utilities and affected parties.

**Evidentiary Record**

25. On June 8, 2016, Riverbend, TexAmericas Center, and Staff filed a request to admit evidence.
26. On \_\_\_\_\_, the ALJ issued Order No. \_\_ admitting evidence into the record:
- a. Application of Riverbend and TexAmericas Center and all attachments, filed July 30, 2015;
  - b. Additional mapping information, filed on August 3, 2015;
  - c. Affidavit of notice to neighboring utilities and affected parties, filed on October 16, 2015;
  - d. Response to Staff's First Requests for Information (RFI) to Riverbend and TexAmericas Center, filed on November 23, 2015;
  - e. Supplemental Response to Staff's First RFI to Riverbend, filed on December 8, 2015;
  - f. Staff's Recommendation on the Sale and all attachments, filed on December 22, 2015;
  - g. Closing Documents to STM and all attachments, filed on May 5, 2016;
  - h. Supplemental information regarding customer deposits, filed on May 6, 2016;
  - i. Staff's Recommendation Regarding Sufficiency of Closing Documents and Proposed Procedural Schedule, filed on March 25, 2016; and
  - j. Consent form to maps and CCN certificates filed by Riverbend on May 25, 2016.

**Informal Disposition**

27. More than 15 days have passed since completion of the notice provided in this docket.
28. No request for hearing was submitted.

**II. Conclusions of Law**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.242, 13.246, 13.254 and 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.103(d), 24.109 and 24.112 (TAC).
2. Riverbend and TexAmericas Center are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(58).
3. Public notice of the application was provided as required by TWC § 13.301(a)(2).

4. The application was processed in accordance with the requirements of the Tex. Administrative Procedures Act, TWC §§ 13.242, 13.246, 13.254 and 13.301 and 16 TAC §§ 24.103, 24.109 and 24.112.
5. Riverbend and TexAmericas Center completed the sale within one year from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.112(e).
6. Riverbend and TexAmericas Center have demonstrated that the sale or lease and transfer of service area requested in this application are necessary for the service, accommodation, convenience, and safety of the public.
7. 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. The application is approved.
2. The sale and transfer of TexAmericas Center's water and sewer facilities in its certificated water and sewer area in Bowie County, Texas and corresponding water and sewer CCNs to Riverbend is approved.
3. The revised water CCN No. 13210 and sewer CCN No. 21067 and map of Riverbend's acquired service area in Bowie County, Texas are attached to this Notice of Approval.
4. 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 \_\_\_\_\_, 2016.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**





# **Public Utility Commission of Texas**

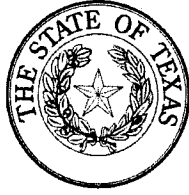
## **By These Presents Be It Known To All That Riverbend Water Resources District**

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, Riverbend Water Resources District is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 13210**

to provide continuous and adequate water utility service to that service area or those service areas in Bowie County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44992 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 Riverbend Water Resources 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 obtain 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 \_\_\_\_\_ day of \_\_\_\_\_ 2016



# **Public Utility Commission of Texas**

## **By These Presents Be It Known To All That Riverbend Water Resources District**

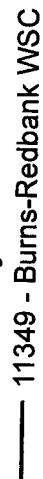
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Riverbend Water Resources District is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 21067**

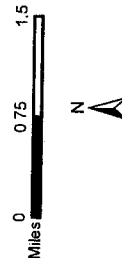
to provide continuous and adequate sewer utility service to that service area or those service areas in Bowie County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44992 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Riverbend Water Resources 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 obtain 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 \_\_\_\_\_ day of \_\_\_\_\_ 2016

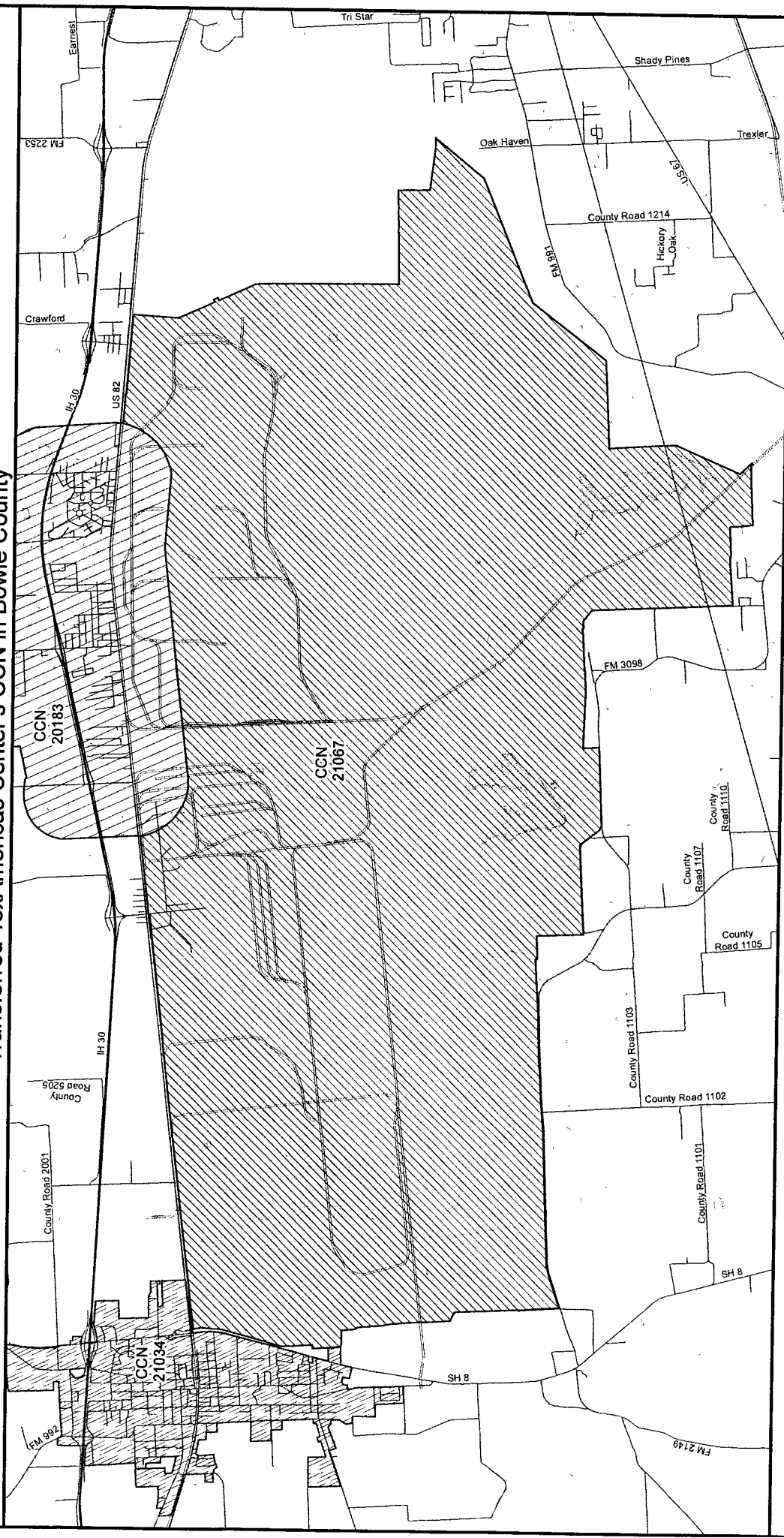
Transferred TexAmericas Center's CCN in Bowie County






Map by: Komal Patel  
Date created: May 12, 2016  
Project Path: n:\finalmapping\44992Riverbend\Water.mxd



**Sewer Service Area**  
**CCN No. 21067**  
**PUC Docket No. 44992**  
**Transferred TexAmericas Center's CCN in Bowie County**



**Sewer CCN Service Areas**

-  21067 - Riverbend Water Resource District
-  20183 - City of Hooks
-  21034 - City of New Boston

