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DOCKET NO. 44992

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PUBLIC UTILITY COMMISSION

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

### NOTICE OF APPROVAL

This Notice addresses the application of TexAmericas Center (TexAmericas) and Riverbend Water Resources District (Riverbend) for the sale, transfer, or merger of facilities and certificate rights in Bowie County. Public Utility Commission of Texas (Commission) Staff recommended approval of the application. The application is approved.

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

#### I. Findings of Fact

##### Procedural History and Background

1. On July 30, 2015, TexAmericas and Riverbend filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Bowie County.
2. TexAmericas owns facilities in Bowie County and corresponding water certificate of convenience and necessity (CCN) No. 13210 and sewer CCN No. 21067.
3. Approval of the application would transfer TexAmericas' water and sewer CCNs and facilities to Riverbend. Riverbend will take TexAmericas' water CCN No. 13210 and sewer CCN No. 21067.
4. On August 3, 2015, Order No. 1 was issued, requiring Commission Staff to file comments/recommendation regarding administrative completeness of the application.
5. On August 31, 2015, Commission Staff filed a response to Order No. 1, recommending that the application and notice be found administratively complete and proposed a procedural schedule.
6. On September 2, 2015 Order No. 2 was issued, finding the application administratively complete and establishing a procedural schedule.

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7. On October 16, 2015, Riverbend filed an affidavit of notice to neighboring utilities and affected parties.
8. On January 5, 2016, Order No. 5 was issued, approving the sale to proceed.
9. On May 5, 2016, Riverbend filed a fourth update that included closing documents.
10. On May 6, 2016, Riverbend filed supplemental information regarding customer deposits.
11. On May 17, 2016, Commission Staff filed its recommendation regarding the sufficiency of the closing documents and proposed a procedural schedule. Staff recommended the closing documents were sufficient to demonstrate that Riverbend and TexAmericas Center consummated the sale.
12. On May 18, 2016, Order No. 6 was issued, finding the closing documents sufficient and establishing a procedural schedule.
13. On May 25, 2016, Riverbend filed a consent form to the maps and CCN certificates.
14. The maps and certificates discussed in Findings of Fact No. 13 are attached to this Notice.
15. On June 8, 2016, Riverbend, TexAmericas and Commission Staff filed a proposed notice of approval.

**Notice**

16. On August 14, 2015, notice of the application was published in the *Texas Register*.
17. On September 14, 18, and 23, 2015, mailed notice of the application was provided to affected parties.
18. On October 16, 2015, Riverbend filed an affidavit of notice to neighboring utilities and affected parties.
19. More than 15 days have passed since completion of the notice provided in this docket.

**Evidentiary Record**

20. On June 10, 2016, Order No. 7 was issued, admitting evidence into the record of this proceeding.

**Informal Disposition**

21. TexAmericas and Riverbend and Commission Staff are the only parties to this proceeding.

22. No protests, motions to intervene, or requests for hearing were filed in this docket.
23. The criteria for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 (TAC) have been satisfied in this proceeding.

## II. Conclusions of Law

1. The Commission has jurisdiction over this application under Tex. Water Code §§ 13.241, 13.244, 13.246, 13.254, and 13.301 (TWC).
2. TexAmericas and Riverbend 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 TWC §§ 13.301 and 13.246 and 16 TAC §§ 24.109 and 24.112.
5. TexAmericas and Riverbend 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. TexAmericas and Riverbend 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 under 16 TAC § 22.35 have been met in this proceeding.
8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Riverbend is required to record a certified copy of the approved certificate 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.

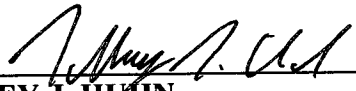
### III. Ordering Paragraphs

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

1. The application is approved.
2. The sale and transfer of TexAmericas water and sewer facilities in its certificated water and sewer area in Bowie County and corresponding water and sewer CCNs to Riverbend is approved.
3. Riverbend shall comply with the recording requirements in TWC § 13.257(r) for the area in Bowie 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 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 17<sup>th</sup> day of June 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 17<sup>th</sup> day of June 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 17<sup>th</sup> day of June 2016




**Riverbend Water Resources District**  
**Water Service Area**  
**CCN No. 13210**  
**PUC Docket No. 44992**

**Transferred TexAmericas Center's CCN in Bowie County**



**Water CCN Service Areas**

-  13210 - Riverbend Water Resources District
-  12955 - City of Redwater
-  10520 - City of Hooks
-  11349 - Burns-Redbank WSC

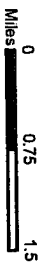
-  13164 - City of New Boston
-  12186 - City of Leary
-  10481 - Macedonia Eylan MUD 1

**Facilities Only Water CCN**

-  11349 - Burns-Redbank WSC



Public Utility Commission of Texas  
 701 N. Congress Ave



Map by: Komal Patel  
 Date created: May 12, 2016  
 File: Riverbend\_Water\_Service\_Area\_Map.mxd



