

Control Number: 45180



Item Number: 32

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APPLICATION OF THE CITY OF AUSTIN §  
TO AMEND ITS SEWER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
AND ADD AREA TO AQUA WATER §  
SUPPLY CORPORATION'S d/b/a AQUA §  
WSC'S SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

**JOINT MOTION TO ADMIT EVIDENCE AND  
JOINT PROPOSED NOTICE OF APPROVAL**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), together with the City of Austin (City) (collectively, the Parties), and files this Joint Motion to Admit Evidence and Joint Proposed Notice of Approval. In support thereof, the Parties show the following:

**I. BACKGROUND**

On September 21, 2015, the City filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20636 and Aqua Water Supply Corporation's (WSC) sewer CCN No. 20962 in Bastrop and Travis Counties, Texas. Pursuant to Texas Water Code (TWC) § 13.248 and 16 Tex. Admin. Code §24.117 (TAC). On October 20, 2016, Commission Staff filed a final recommendation in this docket, recommending that the application be approved.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following into the record evidence of this proceeding:

- (a) The City's application (Commission automated interchange system [AIS] Item No. 1, filed September 21, 2015);
- (b) The City's Response to Order No. 2 providing supplemental information (AIS Item No. 7, filed November 23, 2015);
- (c) The City's Response to Order No. 3 providing supplemental information (AIS Item Nos. 10, filed January 22, 2016);

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(d) The City's Responses to Order No. 6 providing supplemental information (AIS Item Nos. 19, 20, and 21, filed June 21, 21, and 24, 2016, respectively);

(e) Aqua WSC's Response and Supplemental Response to Staff's First Request for Information (AIS Item Nos. 23 and 24, filed July 6 and 7, 2016, respectively);

(f) Publisher's Affidavit and affidavit of mailed notice filed by the City (AIS Item No. 27, filed August 24, 2016);

(g) The City's consent form (AIS Item No. 30, filed October 20, 2016, respectively);  
and

(h) Commission Staff's final recommendation (AIS Item No. 31, filed October 20, 2016).

### **III. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would amend the City's sewer CCN No. 20636 and Aqua WSC's sewer CCN No. 20962, in Bastrop and Travis Counties, Texas. Also attached are the certificates, final map, and consent forms that were included in Staff's recommendation on final disposition filed October 20, 2016.

### **IV. CONCLUSION**

The Parties respectfully request that the Commission grant the motion to admit the evidence specified above, and adopt the attached Joint Proposed Notice of Approval.

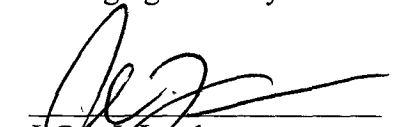
**Date: November 3, 2016.**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

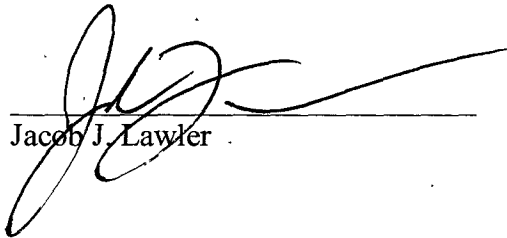


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Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)

**DOCKET NO. 45180  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 3, 2016, in accordance with 16 TAC § 22.74.



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Jacob J. Lawler

**DOCKET NO. 45180**

<b>APPLICATION OF THE CITY OF AUSTIN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND ITS SEWER CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND ADD AREA TO AQUA WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION'S d/b/a AQUA</b>	<b>§</b>	
<b>WSC'S SEWER CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>TRAVIS COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Notice of Approval addresses the application (Application) of the City of Austin (City or Applicant) to amend its sewer CCN No. 20636 and Aqua Water Supply Corporation's (WSC) sewer CCN No. 20962 for service areas in Bastrop and Travis Counties, Texas. The Public Utility 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 and Background**

1. On September 21, 2015, the City filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20636 and Aqua WSC's sewer CCN No. 20962 in Bastrop and Travis Counties, Texas, pursuant to Texas Water Code (TWC), Section § 13.248.
2. On September 22, 2015, Order No. 1 was issued requiring Staff to file comments on the administrative completeness of the application, proposed notice, and propose a procedural schedule.
3. On October 21, 2015, Staff filed a response to Order No. 1, recommending that the Application be found administratively incomplete.

4. On October 23, 2015, Order No. 2 was issued finding the Application to be deficient, establishing revised deadlines, and providing the City an opportunity to cure the deficiencies.
5. On November 23, 2015, the City amended its Application with supplemental materials.
6. On December 15, 2015, Staff filed a response to Order No. 2, recommending that the Application be found administratively incomplete.
7. On December 16, 2015, Order No. 3 was issued finding the Application to be deficient, establishing revised deadlines, and providing the City an opportunity to cure the deficiencies.
8. On January 22, 2016, the City amended its Application with supplemental materials.
9. Order No. 4, issued February 17, 2016, revised the procedural schedule.
10. On March 4, 2016, Staff filed a response to Order No. 4, recommending that the Application be found administratively incomplete.
11. On March 8, 2016, Order No. 5 was issued finding the Application to be deficient, establishing revised deadlines, and providing the City an opportunity to cure the deficiencies.
12. On May 4, 2016, Staff filed a response to Order No. 5, recommending that the Application be found administratively incomplete.
13. On May 5, 2016, Order No. 6 was issued finding the Application to be deficient, establishing revised deadlines, and providing the City an opportunity to cure the deficiencies.
14. Order No. 7, issued June 10, 2016, revised the procedural schedule.
15. On June 20, 21, and 24, 2016, the City amended its application with supplemental materials.

16. On July 22, 2016, Staff filed a response to Order No. 7, recommending that the Application be found administratively complete.
17. On July 25, 2016 Order No. 8 was issued, finding the Application sufficient for filing.
18. Notice was provided by publication in the *Austin American-Statesman* on August 3 and 10, 2016. The Publisher's affidavit dated August 18, 2016, and signed by Justin Peterson, the advertising agent of the *Austin American-Statesman*, attests to this notice.
19. The City mailed notice of the Application to neighboring utilities and affected parties on July 27, 2016. The affidavit of notice dated August 23, 2016, and signed by Phillip Jaeger, an authorized representative of the City, attests to this notice.
20. On September 8, 2016, Staff filed a recommendation that notice be found sufficient.
21. On September 9, 2016, Order No. 9 was issued, finding notice sufficient.
22. On October 20, 2016, the City filed its consent form.
23. On October 20, 2016, Staff filed its final recommendation in response to Order No. 9, recommending that the Application be approved.
24. On November 3, 2016, Staff and the City filed a joint proposed motion to admit evidence and joint proposed notice of approval.
25. In Order No. \_\_\_\_, issued on \_\_\_\_\_, 2016, the administrative law judge admitted the following evidence into the record of this proceeding: (a) The City's application (Commission automated interchange system [AIS] Item No. 1, filed September 21, 2015); (b) The City's Response to Order No. 2 providing supplemental information (AIS Item No. 7, filed November 23, 2015); (c) The City's Response to Order No. 3 providing supplemental information (AIS Item Nos. 10, filed January 22, 2016); (d) The City's Responses to Order No. 6 providing supplemental information (AIS Item Nos. 19, 20, and 21, filed June 21, 21, and 24, 2016, respectively); (e) Aqua WSC's Response and Supplemental Response to Staff's First Request for Information (AIS Item Nos. 23 and 24, filed July 6 and 7, 2016, respectively); (f) Publisher's Affidavit and

affidavit of mailed notice filed by the City (AIS Item No. 27, filed August 24, 2016); (g) The City's consent form (AIS Item No. 30, filed October 20, 2016, respectively); and (h) Commission Staff's final recommendation (AIS Item No. 31, filed October 20, 2016).

**Informal Disposition**

26. More than 15 days has passed since completion of the notice provided in this docket effective August 10, 2016.
27. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to TWC §§ 13.041, 13.241, and 13.248; and 16 Tex. Admin. Code §§ 24.107 and 24.117 (TAC).
2. The City and Aqua WSC are retail public utilities as defined in TWC § 13.002.
3. Public notice of the Application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. Aqua WSC has provided evidence that it has adequate financial, managerial and technical capability to provide service to the area subject to the amendment in accordance with 16 TAC § 24.102.
5. Aqua WSC possess the technical capability to provide continuous and adequate service pursuant to 16 TAC § 24.102.
6. The City and Aqua WSC have demonstrated that amending CCN Nos. 20636 and 20962 is 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 City's Application is approved.
2. The City's sewer CCN No. 20636 and Aqua WSC's sewer CCN No. 20962 are hereby amended.
3. 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.

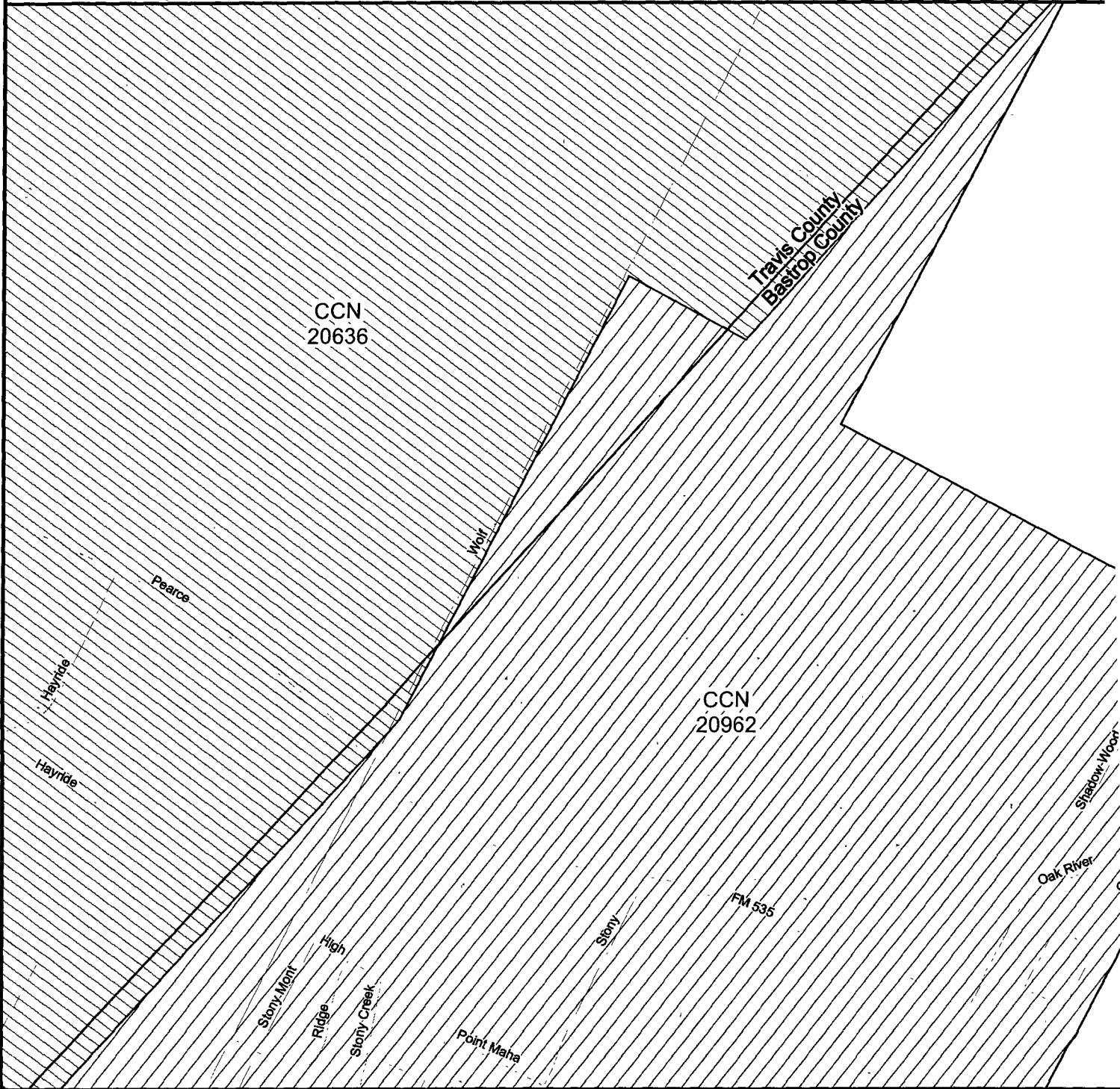
**SIGNED AT AUSTIN, TEXAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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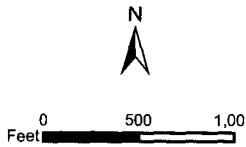
**ADMINISTRATIVE LAW JUDGE**

Aqua WSC  
 Portion of Sewer Service Area  
 CCN No. 20962  
 PUC Docket No. 45180  
 13.248 Contract Service Agreement to Transfer a Portion  
 of City of Austin, CCN No. 20636 in Bastrop and Travis Counties



**Sewer CCN Service Areas**

-  20962 - Aqua WSC
-  20636 - City of Austin





# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

**City of Austin**

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, the City of Austin is entitled to this

## **Certificate of Convenience and Necessity No. 20636**

to provide continuous and adequate water utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45180 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 the City of Austin 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**

**Aqua WSC**

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, the City of Austin is entitled to this

## **Certificate of Convenience and Necessity No. 20962**

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Lee and Travis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45180 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 the Aqua WSC 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.

**CONSENT FORM**

RECEIVED

Applicant's Name: City of Austin  
Docket No.: 45180


2016 OCT 20 AM

PUBLIC UTILITY COM  
OCT 5

I concur with the map and certificate transmitted by e-mail on Oct 5, 2016.

- I do not concur with the map and certificate transmitted by e-mail on Oct. 5, 2016 I understand that I have 7 days from the date of this email to provide my response.

I am authorized by City of Austin, to sign this form.

Signature: 

Printed Name: Bart Jennings

Relationship to Applicant: Division Manager

Date signed: 10/14/16

**CONSENT FORM:**

Applicant's Name: Aqua WSC  
Docket No.: 45180

- ✓ I concur with the map and certificate transmitted by e-mail on **Oct. 5, 2016.**
- I do not concur with the map and certificate transmitted by e-mail on **Oct. 5, 2016.** I understand that I have 7 days from the date of this email to provide my response.

I am authorized by Aqua WSC, to sign this form.

Signature: *Dave McMurry*

Printed Name: DAVE McMURRY

Relationship to Applicant: General Manager

Date signed: October 6, 2016