



Control Number: 45180



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DOCKET NO. 45180

RECEIVED

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Order addresses the application of the City to amend its sewer certificate of convenience and necessity (CCN) and Aqua's sewer CCN for a service area in Travis County. 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

1. On September 21, 2015, the City filed an application to amend its sewer CCN No. 20636 and Aqua's sewer CCN No. 20962 in Travis County, in accordance with to §.13.248 of the TWC.¹
2. On September 22, 2015, Order No. 1 was issued, requiring Commission Staff to file comments on the administrative completeness of the application, proposed notice, and propose a procedural schedule for processing.
3. On October 21, 2015, Commission Staff responded to Order No. 1, recommending that the application be found administratively incomplete due to mapping deficiencies.
4. On October 23, 2015, Order No. 2 was issued, finding the application deficient, establishing revised deadlines, and providing the City an opportunity to cure the mapping deficiencies.

¹ Tex. Water Code. Ann. (West 2008 and Supp. 2015) (TWC).

5. On November 23, 2015, the City amended the application by providing supplemental mapping materials.
6. On December 15, 2015, Commission Staff responded 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 deficient, establishing revised deadlines, and providing the City an opportunity to cure the mapping deficiencies.
8. On January 22, 2016, the City amended its application by providing supplemental mapping materials.
9. On February 17, 2016, Order No. 4 was issued, granting Commission Staff more time to file a supplemental recommendation and revising the deadline for Commission Staff's filing.
10. On March 4, 2016, Commission Staff filed a supplemental recommendation that the application be found administratively incomplete due to mapping deficiencies.
11. On March 8, 2016, Order No. 5 was issued, finding the application deficient, establishing revised deadlines, and providing the City an opportunity to cure the mapping deficiencies.
12. On May 4, 2016, Commission Staff filed a response to Order No. 5, recommending that the application continues to be administratively incomplete and deficient due to continued mapping deficiencies.
13. On May 5, 2016, Order No. 6 was issued, finding the application continuing to be deficient, establishing revised deadlines, and providing the City an opportunity to cure the mapping deficiencies.
14. On June 10, 2016, Order No. 7 was issued, revising the procedural scheduled to allow the City to cure mapping deficiencies and for Commission Staff to file a supplemental recommendation.
15. On June 20, 21, and 24, 2016, the City amended its application with supplemental mapping materials.

16. On July 22, 2016, Commission Staff recommended that the application be found administratively complete and that the City proceed with provision of notice.
17. On July 25, 2016, Order No. 8 was issued, finding the application administratively complete, requiring the City to provide notice, and establishing a procedural schedule for continued processing.
18. On October 20, 2016, the City filed a signed consent form evidencing consent to the proposed map and revised certificates.
19. On October 20, 2016, Commission Staff recommended that that application be approved.
20. On November 3, 2016, the City and Commission Staff filed a joint motion to admit evidence and a joint proposed notice of approval.

Notice

21. The Commission caused notice of the application to be published in the *Texas Register* on October 2, 2015.
22. The City provided notice by publication in the *Austin American-Statesman* on August 3 and 10, 2016. The publisher's affidavit dated August 18, 2016, signed by Justin Peterson, the advertising agent of the *Austin American-Statesman*, attested to the notice.
23. 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, attested to this notice.

Evidentiary Record

24. On November 8, 2016, Order No. 10 was issued, admitting evidence into the record of this proceeding.

Description of the Amendment

25. The City and Aqua entered into a service agreement to transfer approximately 37 acres from the City to Aqua.
26. The total area to be transferred does not include any current customers or other retail public utilities of the same kind.

27. The proposed sewer utility service area is located approximately 14 miles southeast of downtown Austin and is generally bounded on the north by the Meurer Lane and Wolf Lane intersection, on the east by Tucker Hill Lane, on the south by Pearce Lane, and on the west by Wolf Lane.
28. The certificates and map are attached to this Notice.

Informal Disposition

29. More than 15 days have passed since completion of the notice provided in this docket.
30. No issues of fact or law remain disputed by any party; therefore no hearing was necessary.

II. Conclusions of Law

1. The City and Aqua are retail public utilities as defined in TWC § 13.002.
2. The Commission has jurisdiction and authority over this docket as authorized by TWC §§ 13.041, 13.241, and 13.248 and 16 Texas Administrative Code §§ 24.107 and 24.117 (TAC).
3. The City provided notice of the application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. After considering the relevant factors in TWC § 13.246(c), Aqua has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the area subject to the amendment in accordance with 16 TAC § 24.102.
5. Aqua possess the technical capability to provide continuous and adequate service as required by 16 TAC § 24.102.
6. The City and Aqua have demonstrated that amending CCN Nos. 20636 and 20962, respectively, is necessary for the service, accommodation, convenience, and safety of the public.
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Aqua is required to record a certified copy of the approved CCNs and map, along with a boundary description of the service areas, in the real property records of each county in which the service areas or a portion of a service is located, and submit to the Commission evidence of the recording.

8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), the City is required to record a certified copy of the approved CCNs and map, along with a boundary description of the service areas, in the real property records of each county in which the service areas or a portion of a service is located, and submit to the Commission evidence of the recording.
9. Under TWC § 13.257(r) and 16 TAC § 24.106(f), the City is required to record a certified copy of the approved CCNs and map, along with a boundary description of the service areas, in the real property records of each county in which the service areas or a portion of a service is located, and submit to the Commission evidence of the recording.
10. The requirements for informal disposition specified in 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. The City of Austin's application is approved.
2. The City of Austin's sewer CCN No. 20636 and Aqua Water Supply Corporation's sewer CCN No. 20962 are amended as described in this Order.
3. The City of Austin shall comply with the recording requirements in TWC § 13.257(r) for the areas in Travis County affected by this application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
4. Aqua Water Supply Corporation shall comply with the recording requirements in TWC § 13.257(r) for the areas in Travis County affected by this application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
5. 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 hereby denied.

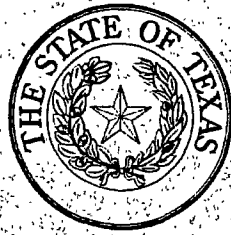
SIGNED AT AUSTIN, TEXAS the 9th day of November 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE

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Public Utility Commission of Texas

By These Presents Be It Known To All That

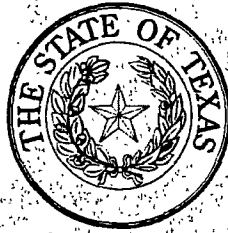
City of Austin

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 9th day of November 2016.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua WSC

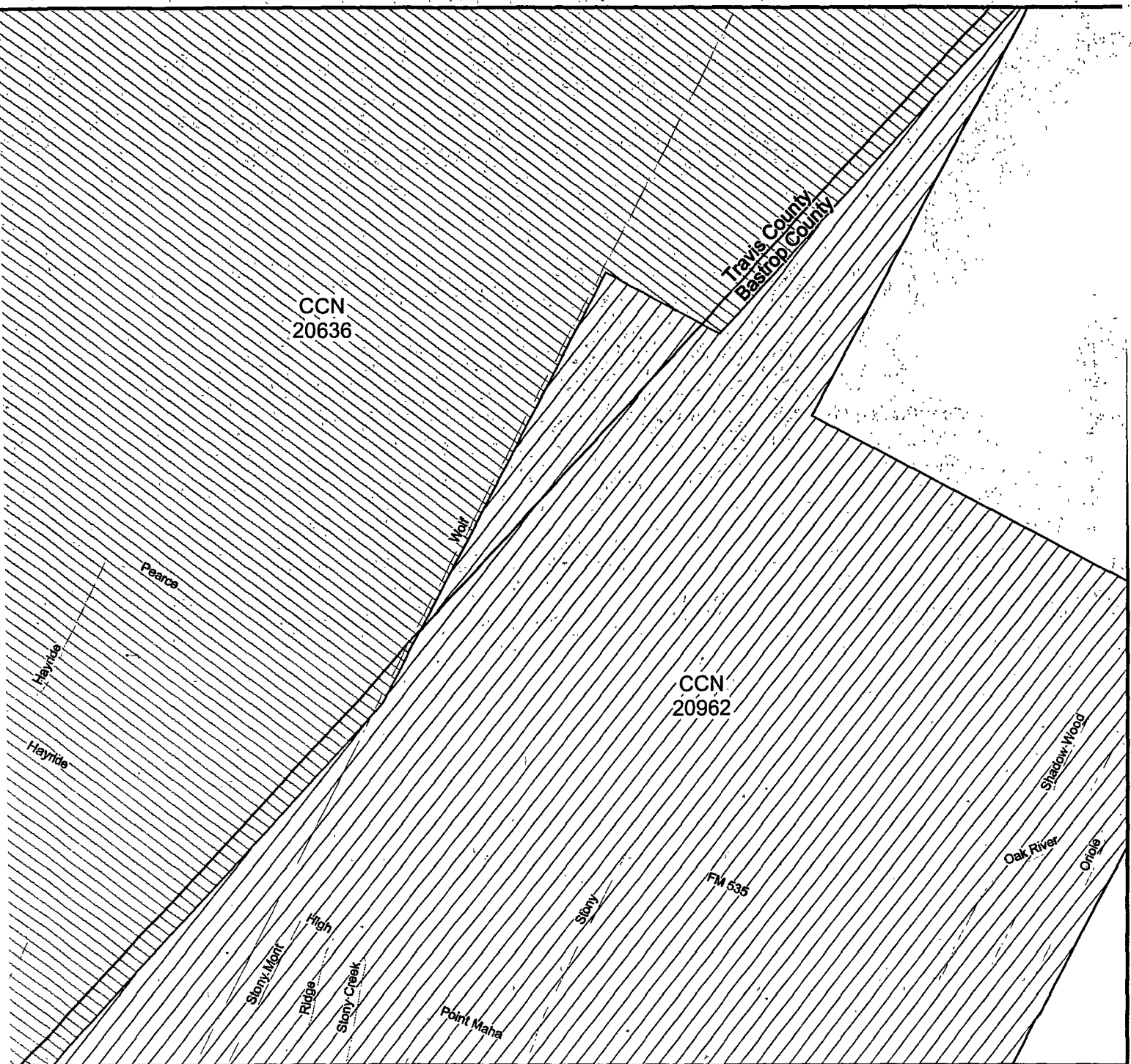
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, the City of Austin is entitled to this

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 9th day of November 2016.

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

