



Control Number: 45208



Item Number: 31

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DOCKET NO. 45208

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2016 OCT -3 PM 12:58

JOINT APPLICATION TO AMEND §
CITY OF EDINBURG'S WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND TO §
DECERTIFY A PORTION OF §
NORTH ALAMO WATER SUPPLY §
CORPORATION'S CERTIFICATE §
IN HIDALGO COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

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

North Alamo Water Supply Corporation (North Alamo) and the City of Edinburg (Edinburg) (collectively hereinafter "Applicants"), and the Staff of the Public Utility Commission of Texas (Commission Staff), jointly file this Motion to Admit Evidence and Proposed Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs. This Joint Motion to Admit Evidence and Proposed Notice of Approval are timely filed on October 3, 2016.

Staff conferred and collaborated with the Applicants on the joint motion and proposed notice of approval, and the Applicant's do not object to this filing.

I. Motion to Admit Evidence

North Alamo, Edinburg and Commission Staff (together "the parties") jointly request to admit the following evidence into the record of this proceeding: (a) Joint Application to Amend City of Edinburg's Water Certificate of Convenience and Necessity (12106) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County, filed with the Commission on September 30, 2015; (b) North Alamo's CCN Consent Form, filed August 17, 2016; (c) Edinburg's CCN Consent Form, filed August 17, 2016; (d) Commission Staff's recommendation on final disposition, filed August 29, 2016, and (e) certificates and maps (Attachment B).

II. Proposed Notice of Approval

The Proposed Notice of Approval, included herein as Attachment A, would grant Applicants' Joint Application to Amend City of Edinburg's Water Certificate of Convenience and Necessity (12106) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County, filed with the Commission on September 30, 2015. This docket was processed in accordance with applicable statutes and Commission rules. Notice of the application was not required. North Alamo, Edinburg, and Commission Staff are the only parties to this proceeding. No other party filed a request to intervene, filed comments on the application, protested this filing, or requested a hearing in this proceeding.

III. Conclusion

Commission Staff has reviewed the application and recommends approval. The requirements for informal disposition have been met. Therefore, North Alamo, Edinburg and Commission Staff respectfully request that the Commission adopt the attached findings of fact, conclusions of law, and ordering paragraphs as well as grant the admittance of the specified evidence.

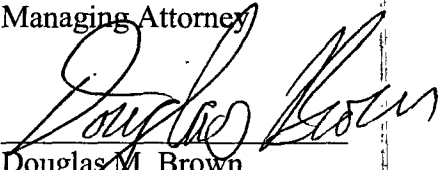
Dated: October 3, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



Douglas M. Brown
Attorney-Legal Division
State Bar No. 24048366
1701 N. Congress Avenue

P.O. Box 13326
Austin, Texas 78711-3326
douglas.brown@puc.texas.gov
(512) 936-7602
(512) 936-7268 (facsimile)

DOCKET NO. 45208
CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on October 3, 2016 in accordance with 16 Tex. Admin. Code § 22.74.



Douglas M. Brown

ATTACHMENT A

PROPOSED NOTICE OF APPROVAL

DOCKET NO. 45208

**JOINT APPLICATION TO AMEND
CITY OF EDINBURG'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY A PORTION OF NORTH
ALAMO WATER SUPPLY
CORPORATION'S CERTIFICATE IN
HIDALGO COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the Joint Application to Amend City of Edinburg's (Edinburg) Water Certificate of Convenience and Necessity (CCN) (12106) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County. The Public Utility Commission of Texas (Commission) Staff (Commission Staff) recommended approval of the application. The application is approved as set forth below:

I. Findings of Fact

Procedural History

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

1. On September 30, 2015, City and North Alamo filed a joint application to amend City's water CCN No. 12016 and decertify a portion of North Alamo's service area under CCN No. 10553 pursuant to TWC § 13.255.
2. The area involved in the proceeding currently contains zero customer accounts and approximately 45.58 undeveloped acres in Hidalgo County.
3. The area to which City seeks single certification is entirely within the incorporated boundaries of City and is currently certified to North Alamo.

4. The parties have agreed in writing that the area sought may be served by Edinburg and the Application filed with the Commission included the executed Agreement.¹
5. On October 5, 2015, the PUC Administrative Law Judge (ALJ) issued **Order No. 1**, which required Commission Staff to comment on the administrative completeness of the application and proposed notice.
6. On November 5, 2015, Commission Staff filed a response to **Order No. 1** recommending that the application be processed pursuant to TWC §§ 13.241-250 regarding the CCN amendment portion of the application and TWC § 13.255 regarding the decertification portion of the application and found the application insufficient for filing.
7. On November 9, 2015, **Order No. 2** was issued, which revised the procedural schedule to allow Applicants to amend its application to cure deficiencies in mapping and provide USDA-RD consent to the transaction.
8. On December 8, 2015, North Alamo filed its response to **Order No. 2** requesting extension of time to provide USDA-RD consent.
9. On December 9, 2015, North Alamo filed its supplemental response to **Order No. 2** and request for extension – map and CD included.
10. On December 16, 2015, **Order No. 3** was issued setting a revised procedural schedule..
11. On January 6, 2016, North Alamo submitted a revised request for extension of time to provide consent by USDA-RD to the application.
13. On January 11, 2016, North Alamo filed USDA-RD's consent form indicating its consent to the application.
14. On January 13, 2016, the ALJ issued **Order No. 4** granting extension and revising deadline for Staff to file its recommendation regarding administrative completeness of application.
15. On February 10, 2016, Staff filed its recommendation on sufficiency declaring the application administratively insufficient regarding mapping.
16. On February 11, 2016, the ALJ issued **Order No. 5** which set a deadline of March 10, 2016 to amend the application to cure additional deficiencies identified by Commission Staff.

¹ Application at Attachment 8

18. On March 10, 2016, Applicants filed the recommended maps and digital data in response to PUC **Order No. 5**.
19. On April 12, 2016, Commission Staff filed a recommendation on the application determining that the application remains administratively incomplete because it contained additional material deficiencies.
20. On April 13, 2016, the ALJ issued **Order No. 6** which declared Applicants' Application administratively incomplete based on Commission Staff's recommendation.
21. On May 12, 2016, Applicants filed documents in response to PUC **Order No. 6**:
22. On June 13, 2016, Staff filed its recommendation that the application be deemed administratively complete.
23. On June 14, 2016, **Order No. 7** was issued finding the application administratively complete and setting a procedural schedule.
24. On June 24, 2016, Staff filed its recommendation that no notice needed to be issued at that time and that if the Staff ultimately made a recommendation for the Application to be approved and if the Commission finds that the Application should be approved, recommending that the Applicant issue notice pursuant to TWC § 13.255(C) at that time.
25. On June 27, 2016, **Order No. 8** was filed regarding notice and confirming Commission Staff's deadline to file supplemental or final recommendation on or before July 25, 2016.
26. On July 25, 2016, Commission Staff filed its proposed procedural schedule and request for additional time to send out maps, certificates and consent forms.
27. On July 26, 2016, **Order No. 9** was filed confirming Commission Staff's proposed procedural schedule.
28. On August 17, 2016, City of Edinburg and North Alamo filed their consent forms.
29. On August 29, 2016, Staff filed its Final Recommendation, recommending that the Application be approved.
26. On October __, 2016, the Commission ALJ issued Order No. __ admitting the following into evidence: (a) Joint Application to Amend City of Edinburg's Water Certificate of Convenience and Necessity (12106) and

to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County, filed with the Commission on September 30, 2015; (b) North Alamo's CCN Consent Form, filed August 17, 2016; (c) Edinburg's CCN Consent Form, filed August 17, 2016; (d) Commission Staff's recommendation on final disposition, filed August 29, 2016, and (e) certificates and maps.

Applicants' Request

1. North Alamo and Edinburg seek approval of an amendment to Edinburg's water CCN No. 12106, changing the boundaries of its service area and decertifying a portion of North Alamo's CCN 10553.

Informal Disposition

2. At least fifteen (15) days have passed since the completion of all notice requirements.
3. No party is opposed to the application and no hearing is necessary.

II. Conclusions of Law

1. Edinburg is a municipally owned utility as defined in Sections 13.002(13) of the TEX. WATER CODE (TWC).
2. The Commission has jurisdiction over this matter pursuant to TWC § 13.041, 13.241, 13.244, 13.246, 13.255 and 16 TEX. ADMIN. CODE (TAC) §§ 24.101 and 24.102.
3. Edinburg may apply to amend its water CCN pursuant to TWC §§ 13.241-.250 and § 13.255.
4. Notice of the Application was not required.
5. The Applicant's shall issue notice pursuant to 13.255(c).
6. Applicants' application is sufficient.
7. The application does not constitute a major rate proceeding as defined by 16 TAC § 22.2(27).
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Applicants' Joint Application to Amend City of Edinburg's Water Certificate of Convenience and Necessity (12106) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County is approved.
2. 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 on the _____ day of OCTOBER, 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

**STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE**

ATTACHMENT B



MAP AND CERTIFICATES

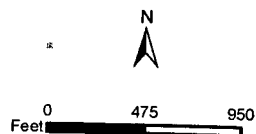
City of Edinburg
 Portion of Water Service Area
 CCN No. 12106
 PUC Docket No. 45208
 13.255 Contract Service Agreement to Decertify a Portion of
 North Alamo WSC, CCN No. 10553 and Amend CCN No. 12106 in Hidalgo County



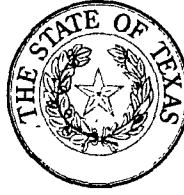
Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Water CCN Service Areas

-  12106 - City of Edinburg
-  10553 - North Alamo WSC



Map by: Kristy Nguye
 Date created: July 29, 201
 Project Path: n\Final Maps\45208.mxd



Public Utility Commission Of Texas

By These Presents Be It Known To All That

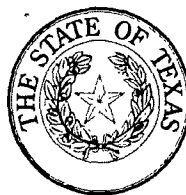
North Alamo Water Supply Corporation

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, North Alamo Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 10553

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County(ies) as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45208 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 North Alamo Water Supply Corporation, 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, this _____ day of _____ 2016.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

City of Edinburg

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, the City of Edinburg, is entitled to this

Certificate of Convenience and Necessity No. 12106

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County(ies) as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45208 are on file at the Commission's 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 City of Edinburg, 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, this _____ day of _____ 2016.