



Control Number: 45208



Item Number: 33

Addendum StartPage: 0

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

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NOTICE OF APPROVAL

This Notice approves the joint application of the City of Edinburg and North Alamo Water Supply Corporation to amend Edinburg's water certificate of convenience and necessity (CCN) and to decertify a portion of North Alamo's water CCN in Hidalgo County. Commission Staff recommended approval of the joint application. The joint application is approved.

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

I. Findings of Fact

Procedural History

1. On September 30, 2015, Edinburg and North Alamo filed a joint application to amend Edinburg's water CCN No. 12106 and to decertify a portion of North Alamo's service area under water CCN No. 10553.
2. Edinburg and North Alamo agreed in writing that the area sought may be served by Edinburg; the application included the executed agreement.
3. On October 5, 2015, Order No. 1 was issued, requiring Commission Staff to comment on the administrative completeness of the application and proposed notice.
4. On November 5, 2015, Commission Staff responded to Order No. 1, recommending that the application should be processed in accordance with TWC §§ 13.241-250 regarding the CCN amendment portion of the application, and TWC § 13.255 regarding the decertification portion of the application.

5. On November 5, 2015, February 11, and April 13, 2016, the application was found administratively incomplete and deficient.
6. On December 9, 2015, January 11, March 10, and May 12, 2016, Edinburg and North Alamo filed supplements to the application.
7. On June 13, 2016, Commission Staff recommended that the application, as supplemented, be found administratively complete.
8. On June 14, 2016, Order No. 7 was issued, finding the application administratively complete, addressing notice, and establishing a procedural schedule for continued processing.
9. On June 24, 2016, Commission Staff recommended that notice under TWC § 13.255(c) need not be provided unless and until approval of the application was ultimately recommended.
10. On June 27, 2016, Order No. 8 was issued, affirming Commission Staff's notice recommendation and establishing Commission Staff's final recommendation deadline.
11. On August 17, 2016, Edinburg and North Alamo filed consent forms.
12. On August 29, 2016, Commission Staff filed its final recommendation of approval of this application including supplements.
13. On October 3, 2016, North Alamo, Edinburg, and Commission Staff filed a joint motion to admit evidence and proposed notice of approval.

Description of the application

14. The application seeks to decertify 45.58 acres of undeveloped land in Hidalgo County from North Alamo's CCN No. 10553 and to add the same to Edinburg's CCN No. 12106.
15. The affected property is undeveloped and contains no current customer accounts.
16. Edinburg will provide retail water and fire protection to the area.
17. The area to which Edinburg seeks single certification is entirely within the incorporated boundaries of Edinburg.
18. The amended map and certificates are attached to this Notice.

Evidence

19. On October 6, 2016, Order No. 11 was issued, admitting evidence into the record of this proceeding.

Notice

20. The Commission caused notice of this application to be published in the *Texas Register* on October 16, 2015.

Informal Disposition

21. More than 15 days have passed since completion of the notice of this docket.
22. No protests have been filed. No requests for hearing have been filed. No issues of fact or law are disputed by any party; therefore, no hearing is necessary.

II. Conclusions of Law

1. Edinburg is a municipally-owned utility as defined in TWC § 13.002(13).
2. The Commission has jurisdiction over this matter under TWC §§ 13.041, 13.241, 13.244, 13.246, 13.255 and 16 Texas Administrative Code §§ 24.101-.102 (TAC).
3. The application was processed in accordance with the requirements of the Administrative Procedure Act, Texas Government Code Annotated §§ 2001.001-.902 (West 2016), TWC, and Commission rules.
4. Notice of the application was not required.
5. Edinburg and North Alamo shall issue notice as required by TWC § 13.255(c).
6. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Edinburg is required to record a certified copy of the approved CCN 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.
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), North Alamo is required to record a certified copy of the approved CCN 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.

8. The application does not constitute a major rate proceeding as defined by 16 TAC § 22.2(27).
9. The requirements for informal disposition under 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 joint application is approved.
2. Edinburg's water CCN No. 12106 is amended to reflect the acquisition of 45.58 acres from North Alamo consistent with this Notice.
3. North Alamo's water CCN No. 10553 is amended to reflect the transfer the 45.58 acres to Edinburg.
4. Edinburg shall serve every customer and applicant for service within the transferred area under CCN No. 12106 and such service shall be continuous and adequate.
5. Edinburg shall comply with the recording requirements of TWC § 13.257(r) for the area in Hidalgo County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
6. North Alamo shall comply with the recording requirements of TWC § 13.257(r) for the area in Hidalgo County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. Edinburg and North Alamo shall issue notice of this transfer in accordance with TWC § 13.255(c).
8. All other motions, requests for entry of specific findings of fact or conclusions of law, and other requests for general or specific relief, if not expressly granted in this Notice, are denied.

SIGNED AT AUSTIN, TEXAS the 17th day of October 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



**STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE**



Public Utility Commission Of Texas

By These Presents Be It Known To All That

City of Edinburg

having duly applied for 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 by the City of Edinburg, is entitled to and is hereby granted 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 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 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 17th day of October 2016.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

North Alamo Water Supply Corporation

having duly applied for 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 by North Alamo Water Supply Corporation, is entitled to and is hereby granted 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 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 17th day of October 2016.

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



Water CCN Service Areas

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

