

Control Number: 45234



Item Number: 15

Addendum StartPage: 0

RECEIVED

APPLICATION OF CITY OF
MORGAN'S POINT RESORT TO
AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
BELL COUNTY

§
§
§
§
§

PUBLIC UTILITY COMMISSION 38
2016 MAY 23 10:08 AM
OF TEXAS
PUBLIC UTILITY COMMISSION
FILED TO CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND REQUEST TO ADMIT EVIDENCE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Joint Proposed Notice of Approval and Request to Admit Evidence, and would show the following:

I. BACKGROUND

On October 8, 2015, the City of Morgan's Point Resort (Morgan's Point) an application to amend its water certificate of convenience (CCN) No. 11309 in Bell County. Order No. 4 was issued on March 16, 2016, which requires that Staff file it final recommendation or request for hearing by May 9, 2016, and that Morgan's Point respond to Commission Staff's recommendation and request a hearing, or if no contested issues, for parties to file a proposed notice of approval by May 23, 2016. Staff is authorized to represent that Morgan's Point joins in this filing.

II. MOTION TO ADMIT EVIDENCE

Staff and Morgan's Point request that the following evidence is admitted into the record of this proceeding:

1. The October 8, 2015 Application (Commission automated interchange system (AIS) Item No. 1);
2. Affidavit of Notice and Publisher's Affidavit, filed on December 7, 2015 (AIS No. 7);
3. Additional information provided by Morgan's Point on March 17, 2016 (AIS No. 11); and,
4. Staff's recommendation regarding final disposition filed on May 9, 2016 (AIS Item No. 14).

15

III. PROPOSED NOTICE OF APPROVAL

Staff and Morgan's Point submit the enclosed Joint Proposed Notice of Approval. Staff and Morgan's Point request that the Administrative Law Judge issue a notice in the form of the attached Joint Proposed Notice of Approval.

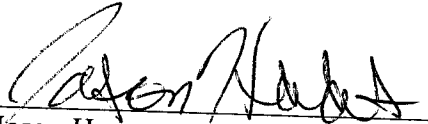
Dated: May 23, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director - Legal Division


Karen S. Hubbard
Managing Attorney – Legal Division



Jason Haas
Attorney-Legal Division
State Bar No. 24032386
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7295 (telephone)
(512) 936-7268 (facsimile)

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 23, 2016 in accordance with 16 Tex. Admin. Code § 22.74.


Jason Haas

PUC DOCKET NO. 45234

**APPLICATION OF CITY OF
MORGAN'S POINT RESORT TO
AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
BELL COUNTY**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Notice of Approval addresses the application (Application) of the City of Morgan's Point Resort (Morgan's Point) for approval of an amendment to its water certificate of convenience and necessity (CCN) No. 11309 in Bell County. The Public Utility Commission (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 October 8, 2015, Morgan's Point filed an Application with the Commission on to amend its water CCN No. 11309 in Bell County.
2. Morgan's Point proposed to expand its CCN territory to add 1,920 acres and 15 to 20 current connections.
3. On November 10, 2015, Order No. 2 was issued, which declared the application administratively complete and requiring Morgan's Point to provide notice in accordance with Commission Staff's recommendation.
4. No hearing requests or comments were received.
5. On April 28, 2016, Morgan's Point filed a signed consent form evidencing its consent to the map and certificate for the proposed amendment to the CCN.
6. The map and certificate described in Finding of Fact 5 are included with this notice.
7. On May 9, 2015, Staff recommended that the Application be approved.

Notice

8. Morgan's Point mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on November 20, 2015. Affidavits that these landowners and other entities received notice were dated November 20, 2015.
9. Notice was provided by publication in the *Temple Daily Telegram* on November 20 and 27, 2015. A publisher's affidavit dated December 1, 2015 attests to this notice.

Evidentiary Record

10. The following evidence is admitted into the record of this proceeding: (a) the October 8, 2015 Application (Commission automated interchange system (AIS) Item No. 1); (b) Affidavit of Notice and Publisher's Affidavit, filed on December 7, 2015 (AIS No. 7); (c) additional information provided by Morgan's Point on March 17, 2016 (AIS No. 11); and (d) Staff's recommendation regarding final disposition filed on May 9, 2016 (AIS Item No. 14).

Morgan's Point Request

11. Morgan's Point seeks approval of an amendment to its water CCN No. 11309, changing the boundaries of its service area.
12. The application proposes expanding Morgan's Point's CCN territory to add approximately 1,920 acres and 15 to 20 current connections.

Informal Disposition

13. More than 15 days have passed since completion of the notice provided in this docket.
14. Morgan's Point and Commission Staff are the only parties to this proceeding
15. No requests for hearing were submitted; therefore, no hearing is necessary.

II. CONCLUSIONS OF LAW

1. Morgan's Point is a municipally owned utility as defined in § 13.002(13) of the Tex. Water Code Ann. (West 2008 and Supp. 2015) (TWC).
2. The Commission has jurisdiction and authority over this docket pursuant to TWC §§ 13.041, 13.241, and 13.246 and 16 Tex. Admin. Code §§ 24.102 and 24.107 (TAC).
3. Morgan's Point provided notice of the Application in compliance with TWC § 13.246 and 16 TAC § 24.106.

4. The Application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), Morgan's Point has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the request area and its current service area as required by TWC § 13.241.
6. Morgan's Point demonstrated that the Application meets the requirements set forth in TWC §§ 13.241, and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its CCN.
7. Approval of the amendment requested in this Application is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

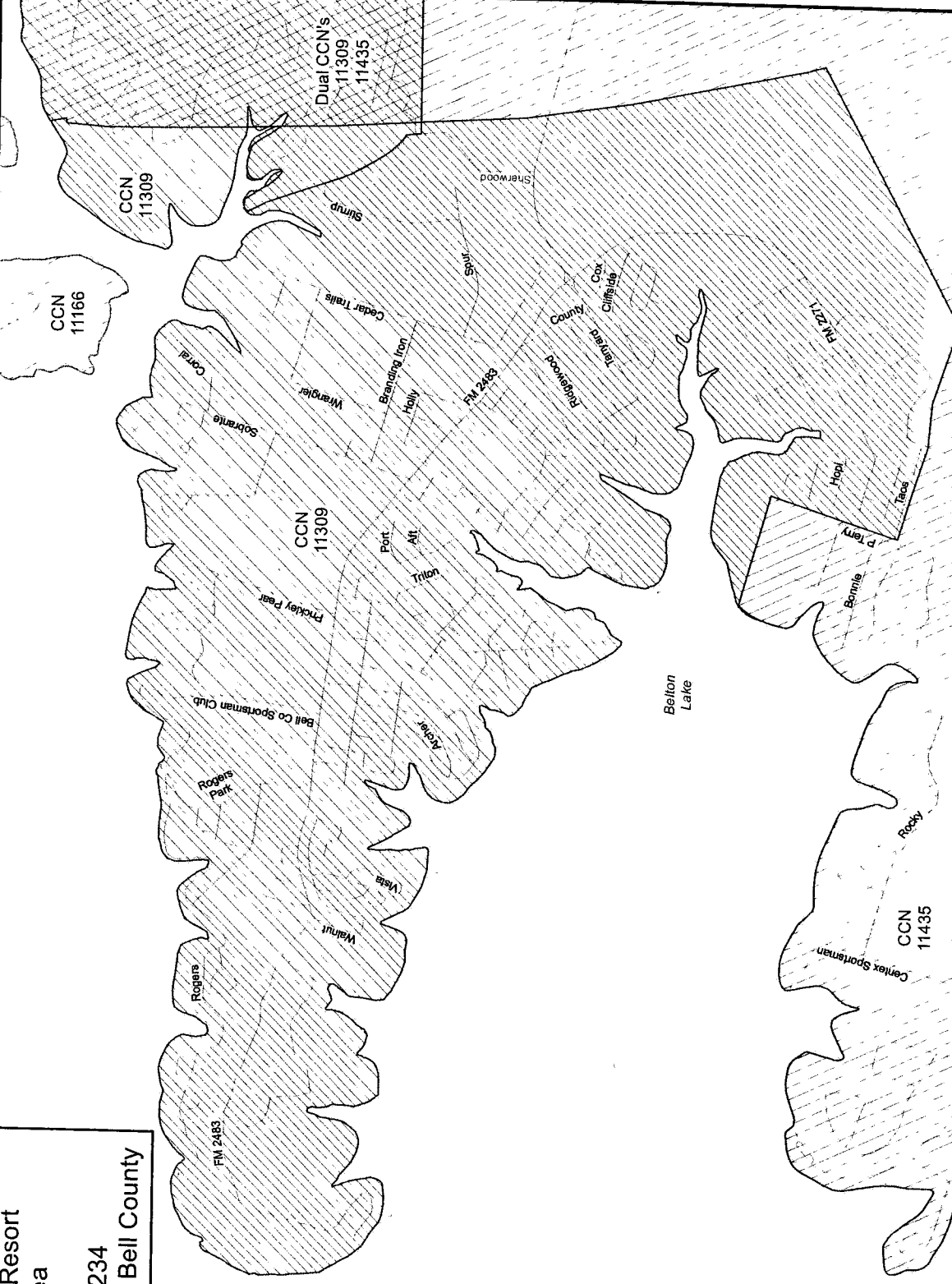
1. The Application for an amendment to Water CCN No. 11309 in Bell County is approved.
2. Morgan's Point shall serve every customer and applicant for service within the areas certified under its water CCN No. 11309, and such service shall be continuous and adequate.
3. All other motions, requests for 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 the _____ day of May 2016.




PUBLIC UTILITY COMMISSION OF TEXAS

JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE

City of Morgan's Point Resort
 Water Service Area
 CCN No. 11309
 PUC Docket No. 45234
 Amended CCN No. 11309 in Bell County



Water CCN Service Areas

-  11309 - City of Morgan's Point Resort
-  11435 - City of Temple
-  11166 - Moffat WSC



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

Map by: Komal Patel
 Date created: April 26, 2016
 Project Path: n:\finalmapping\45234 CityofMorganPt.mxd

CONSENT FORM

Applicant's Name: City of Morgan's Point Resort
Docket No.: 45234

RECEIVED

2016 APR 28 AM 9:33

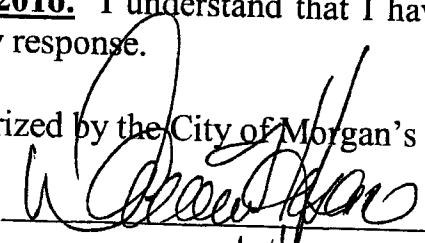
PUBLIC UTILITY COMMISSION
FILING CLERK

Please mark the appropriate line:

I concur with the maps and certificate transmitted by e-mail on April 26, 2016.

I do not concur with the maps and certificate transmitted by e-mail on April 26, 2016. I understand that I have 10 days from the date of this email to provide my response.

I am authorized by the City of Morgan's Point Resort to sign this form.

Signature: 

Printed Name: David Huseman

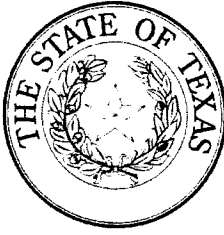
Relationship to Applicant: CITY MANAGER

Date signed: 27 APRIL 2016

Please mail the original and 7 copies to:

Mailing Address:
Public Utility Commission of Texas
Central Records
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

Shipping / Overnight Delivery Address:
Public Utility Commission of Texas
Central Records
1701 N Congress, Suite 8-100
Austin, Texas 78701



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Morgan's Point Resort

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 Morgan's Point Resort is entitled to

Certificate of Convenience and Necessity No. 11309

to provide continuous and adequate water utility service to that service area or those service areas in Bell County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45234 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 Morgan's Point Resort 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.