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DOCKET NO. 45272

APPLICATION OF ZIPP ROAD	§	PUBLIC UTILITY COMMISSION
UTILITY COMPANY, LLC TO	§	
OBTAIN A CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
GUADALUPE COUNTY	§	

**ORDER NO. 7
GRANTING MOTION TO INTERVENE**

This Order addresses the May 12, 2016, motion to intervene filed by Guadalupe-Blanco River Authority (GBRA). GBRA stated that it is a retail public utility, has sewer collection facilities immediately adjacent to the proposed CCN area, and will be negatively affected by the granting of the application. GBRA also argued that it is charged with the preservation and conservation of the natural resources within GBRA's boundaries.

On May 19, 2016, Zipp Road Utility Company, LLC (Zipp Road) requested GBRA's motion be denied because the motion was not timely filed and GBRA does not have a justiciable interest in this proceeding. Zipp Road argues that since the Zipp Road property has been removed from GBRA's CCN in Docket Nos. 45142 and 45143¹ GBRA cannot legally service the property and therefore lacks any justiciable interest.

Public Utility Commission of Texas (Commission) Staff did not specifically address the motion to intervene, but in its May 2, 2016, Recommendation on Sufficiency of Application Commission Staff did note that under Tex. Water Code § 13.244(c), a CCN applicant has to include evidence that the applicant obtained consent from the proper municipality or public authority to be granted the service area requested. Commission Staff recognized that the service area requested was released from GBRA's CCN area, but the area remains in GBRA's district boundaries. Based upon this, Commission Staff stated that the sewer CCN may only be granted to Zipp Road if consent from GBRA is obtained.

¹ *Petition of Jorge Maldonado Sr. to Amend Guadalupe Blanco River Authority's Sewer Certificate of Convenience and Necessity in Guadalupe County by Expedited Release*, Docket No. 45142, Order (Dec. 4, 2015). *Petition of Mathom Ltd. to Amend Guadalupe Blanco River Authority's Sewer Certificate of Convenience and Necessity in Guadalupe County by Expedited Release*, Docket No. 45143, Order (Dec. 4, 2015).

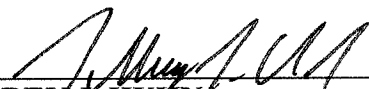


On May 26, 2016, GBRA filed a reply to Zipp Road's response and asserted that its motion to intervene was timely filed and that GBRA is adversely affected by Zipp Road's application. GBRA argues it is adversely affected because: 1) Zipp Road's application directly affects GBRA's ability to provide service to an area where it has existing infrastructure and the legal ability to provide service; and 2) GBRA is an affected person because it is in a unique position to provide evidence for the Commission to consider regarding regionalization and use of area-wide wastewater systems.

After considering the arguments of GBRA and Zipp Road, and Commission Staff's filing, the motion to intervene is granted. The service area requested in Zipp Road's application is within GBRA's district boundaries and GBRA has established a justiciable interest in this proceeding. Also, GBRA's request to intervene met the intervention deadline established in Order No. 6.

SIGNED AT AUSTIN, TEXAS the 31st day of May 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE