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DOCKET NO. 45400

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APPLICATION OF TERRACE ACRES
WATER SUPPLY CORPORATION AND
BOLIVAR WATER SUPPLY
CORPORATION FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN DENTON COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Terrace Acres Water Supply Corporation and Bolivar Water Supply Corporation for the sale, transfer, or merger of facilities and certificate rights in Denton County. Commission Staff recommended approval of the application, as supplemented. The application, as supplemented, is approved.

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

I. Findings of Fact

Procedural History, Description, and Background

1. On November 30, 2015, Terrace Acres and Bolivar requested approval of the sale and transfer of facilities and certificate rights in Denton County. The application was supplemented on March 17, 2016.
2. Terrace Acres holds water certificate of convenience and necessity (CCN) No. 12323 in Denton County.
3. Approval of the application would transfer the service area and facilities held by Terrace Acres under CCN No. 12323 to Bolivar.
4. On January 4, 2016, Order No. 2 was issued, finding the application administratively complete.
5. On April 19, 2016, Order No. 4 was issued, approving the sale to proceed, and requiring applicants to provide proof of consummation of the transaction within 30 days of closing and proof that customer deposits were properly handled.

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6. On May 23, 2016, Bolivar and Terrace Acres filed closing documents.
7. On July 12, 2016, Order No. 5 was issued, finding the closing documents sufficient, that Terrace Acres had never held any deposits and establishing a procedural schedule.
8. On August 15, 2016, Bolivar and Terrace Acres filed consent forms agreeing to the revised certificate and map for Bolivar, as prepared by Commission Staff.
9. On October 4, 2016, Commission Staff filed the final revised map and certificate for Bolivar.
10. The revised map and certificate mentioned in Findings of Fact Nos. 8 and 9 are attached to this Notice.
11. On October 11, 2016, Order No. 8 was issued, admitting evidence.

Notice

12. On December 18, 2015, notice of the application was published in the *Texas Register*.
13. On January 8, 2016, notice of the application was mailed to current customers, neighboring utilities, landowners, cities and affected parties.
14. On January 13, 2016, the applicants filed an affidavit as proof of notice.

Informal Disposition

15. Commission Staff, Bolivar and Terrace Acres are the only parties to this proceeding.
16. More than 15 days have passed since completion of the notice provided in this docket.
17. No protests have been filed, no requests for hearing have been filed, and no issues of fact or law are disputed by any party.
18. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

II. Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Tex. Water Code §§13.241, 13.244, 13.246 and 13.301 (TWC).
2. Terrace Acres and Bolivar are retail public utilities as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(58) (TAC).

3. Public notice of the application was provided as required by TWC § 13.301(a)(2).
4. The application was processed in accordance with the requirements of the TWC §§ 13.301 and 16 TAC §§ 24.109 and 24.112.
5. Terrace Acres and Bolivar completed the sale within 365 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.112(e).
6. After considering the factors in TWC § 13.246(c), Bolivar has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area, as required by TWC § 13.301(b).
7. Terrace Acres and Bolivar have demonstrated that the sale and transfer of service area and facilities requested in this application are in the public interest, as required by TWC § 13.301(d).
8. Terrace Acres and Bolivar have demonstrated that the sale and transfer of service area and facilities requested in this application are necessary for the service, accommodation, convenience and safety of the public, as required by TWC § 13.246(b).
9. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(f), Bolivar 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.
10. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraph

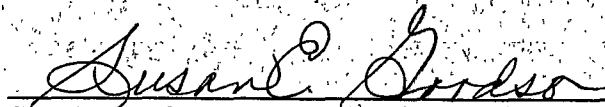
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The application, as supplemented, is approved.
2. Water CCN No. 12323 is transferred from Terrace Acres to Bolivar.
3. Bolivar shall collect and remit the regulatory assessment fee to the Commission annually.
4. Bolivar shall serve every customer and applicant for service within the area under water CCN No. 12323, and such service shall be continuous and adequate.

5. Bolivar shall comply with the recording requirements of TWC § 13.257(r) for the area in Denton County affected by the transfer and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
6. All other motions, requests for entry of specific findings of fact or 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 11th day of October 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

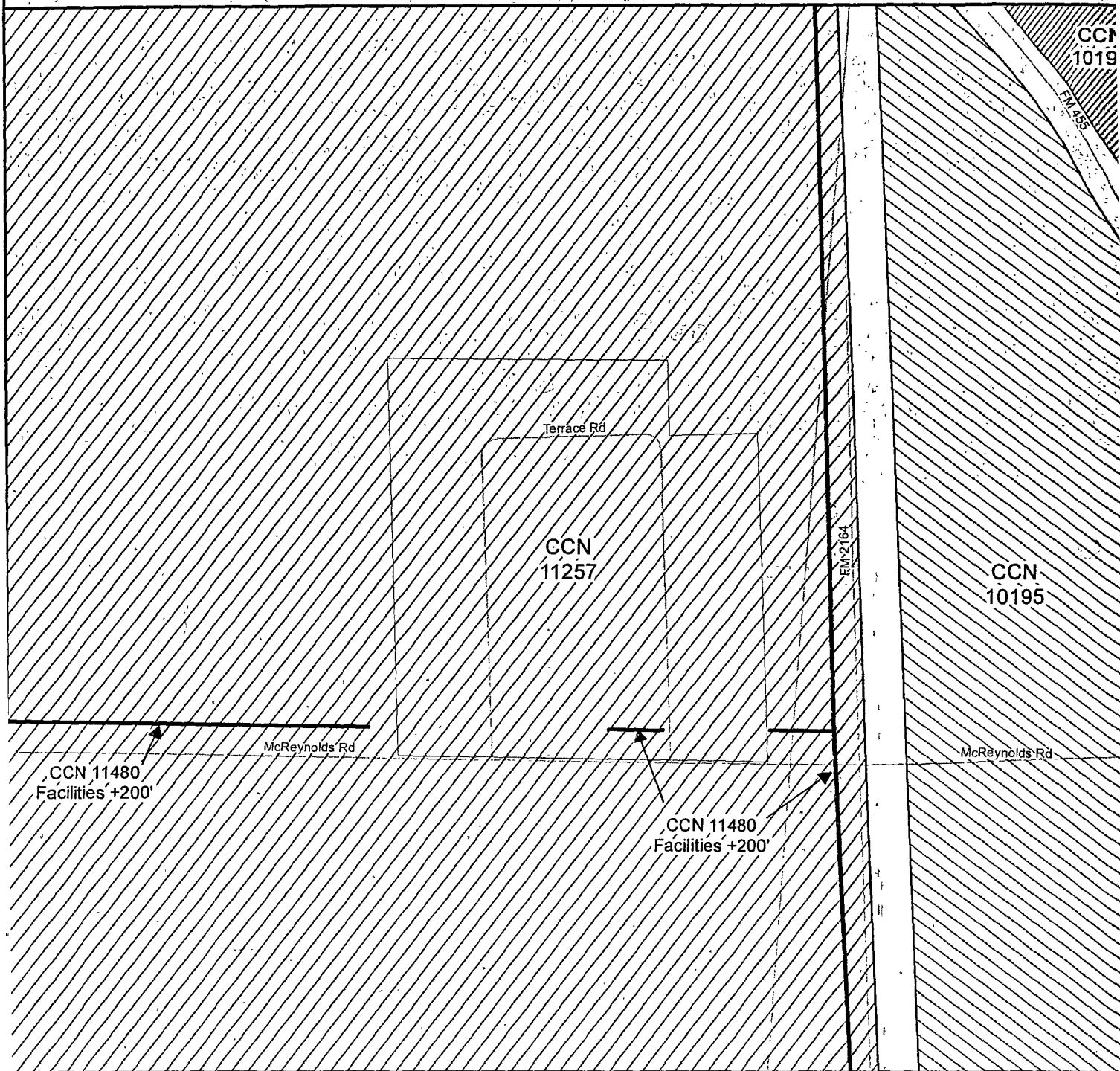


SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE




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Bolivar Water Supply Corporation
 Portion of Water Service Area
 CCN No. 11257
 PUC Docket No. 45400
 Transferred All of Terrace Acres WSC, CCN No. 12323 in Denton County



Water CCN Service Areas

-  11257 - Bolivar WSC
-  10195 - City of Denton
-  10196 - City of Sanger

Water Facility CCN

-  11480 - Green Springs WSC - Facilities +200'





Public Utility Commission Of Texas

By These Presents Be It Known To All That

Bolivar 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, Bolivar Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 11257

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45400 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 Bolivar 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 11th day of October 2016.