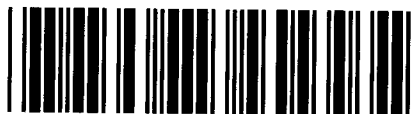


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Item Number: 8

Addendum StartPage: 0

DOCKET NO. 45421

APPLICATION OF LA TIERRA WATER FOR EXEMPT UTILITY REGISTRATION	§ § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK 2016 MAR 24 PM 4:14
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JOINT PROPOSED NOTICE OF APPROVAL AND REQUEST OT ADMIT EVIDENCE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff) along with La Tierra Water and files this joint propose:

I. Background

On December 8, 2015, La Tierra Water (Tierra) filed with the Public Utility Commission of Texas (Commission) an application for exempt utility registration pursuant to Texas Water Code § 13.242(c) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC). Tierra is currently operating under Certificate of Convenience and Necessity No. 12235 in Hays County, Texas. On February 23, 2016, the Administrative Law Judge issued Order No. 3 directing the parties to file a proposed notice of approval with fact statements, legal conclusions, and ordering paragraphs by March 25, 2016. Staff contacted Applicants to provide them with the opportunity to review and agree to the Proposed Order attached hereto and the Applicants have no objection. The Proposed Notice of Approval is timely filed on or before March 25, 2015.

II. Request to Admit Evidence

The parties request to admit the following evidence into the record of this proceeding: (a) the Application of La Tierra Water for Exempt Utility Registration and all attachments thereto, filed on August December 8, 2016, and (b) Commission Staff's Final Recommendation and all attachments thereto filed on March 4, 2016.

III. Proposed Notice of Approval

The Proposed Notice of Approval (Attachment 1) would revoke CCN No. 12235 in Hayes County, declare Terra an exempt utility, and declare the docket was processed in

accordance with applicable statutes and Public Utility Commission of Texas rules. There are no contested issues of law or fact in this proceeding.

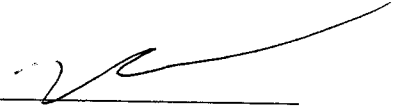
IV. Conclusion

Based on Staff's Recommendation, filed March 4, 2016, Staff has reviewed the application and all amendments and recommends approval. The parties respectfully request that the Commission adopt the attached Findings of Fact and Conclusions of Law as well granting the admittance of the specified pieces of evidence.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

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Managing Attorney
Legal Division




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DOCKET NO. 45421

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 24, 2016 in accordance with 16 TAC § 22.74.



Landon J. Lill

ATTACHMENT 1

DOCKET NO. 43403

**APPLICATION OF LA TIERRA § PUBLIC UTILITY COMMISSION
WATER FOR EXEMPT UTILITY §
REGISTRATION §
§
§
§**

OF TEXAS

PROPOSED NOTICE OF APPROVAL

This Proposed Notice of Approval addresses the application of La Tierra Water's (Applicant) for exempt utility registration pursuant to Texas Water Code § 13.242(c) (West Supp. 2016) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC). Tierra is currently operating under Certificate of Convenience and Necessity (CCN) No. 12235 in Hays County, Texas. On March 4, 2016, Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a memorandum recommending approval of the application. The Application is approved.

Consistent with the above discussion, the Administrative Law Judge (ALJ) makes the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. On December 8, 2015, Tierra filed an application for exempt utility registration pursuant to TWC § 13.242(c) and 16 TAC § 24.103(d).
2. On December 14, 2015, Order No. 1 was issued requiring comments on administrative completeness.
3. On January 8, 20215, Staff filed a response to Order No. 1 and recommended the application be found sufficient and proposed a procedural schedule.
4. On January 13, 2016, Order No. 2 was issued deeming the application administratively complete and establishing a procedural schedule.
5. On February 2, 2016, Staff provided Tierra with the proposed map and tariff.
6. On February 3, 2016, Tierra consented to Staff's proposed final map and tariff.

7. On February 23, 2016, Order No. 3 was issued requiring the parties to file a joint proposed notice of approval, including findings of fact, conclusions of law, and ordering paragraphs and a request to admit evidence.
8. On March 4, 2016, Staff filed a final recommendation recommending that the application be approved.
9. On March 25, 2016, the parties filed a joint proposed notice of approval, including findings of fact, conclusions of law, and ordering paragraphs and a request to admit evidence.
10. On_____, 2016, Order No._____ was issued granting parties' request to admit evidence.
11. The parties have resolved all issues regarding the Application. Additionally, no protests and no requests for hearing were filed. It is not necessary to hold a hearing on the merits regarding the Application.
12. The criteria for informal disposition pursuant to 16 TAC § 22.35 have been satisfied in this proceeding.

Certificate not required

13. The Commission has considered the factors listed in TWC § 13.242(c) and 16 TAC § 24.103(d).
14. Tierra is a utility that has less than 15 potential service connections.
15. Tierra is not owned by or affiliated with a retail public utility or any other provider of potable water service.
16. Tierra is not within the certificated area of another retail public utility.
17. Tierra is not within the corporate boundaries of a district or municipality.
18. Tierra is currently operating under CCN No. 12235 in Hays County, Texas.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to TWC § 13.242(c) and 16 TAC § 24.103(d).

2. Tierra is eligible to operate without a certificate TWC § 13.242(c) and 16 TAC § 24.103(d).
3. The Application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.103(d).
4. The requirements for informal disposition pursuant to 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 Order:

1. Tierra's CCN, No. 12235 in Hayes County, Texas, is revoked.
2. Tierra is an exempt utility under TWC § 13.242(c) and 16 TAC § 24.103(d).
3. 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 _____ day of _____, 2016.

PUBLIC UTILITY COMMISSION OF TEXAS
