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DOCKET NO. 45459

**APPLICATION OF EDMON WATER
SUPPLY CORPORATION TO AMEND
ITS WATER CERTIFICATE OF
CONVENIENCE NECESSITY IN
HENDERSON AND VAN ZANDT
COUNTIES**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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**JOINT CLARIFICATION AND REVISED JOINT
PROPOSED NOTICE OF APPROVAL**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Joint Clarification and Revised Joint Proposed Notice of Approval. In support thereof, Staff would show the following:

I. BACKGROUND

On December 21, 2015, Edom Water Supply Corporation (Edom WSC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 10747 in Henderson and Van Zandt Counties. The Commission Administrative Law Judge (ALJ) issued Order No. 13 on May 1, 2017, which set June 27, 2017 as the parties' deadline to file a joint proposed notice of approval including findings of fact, conclusions of law, and ordering paragraphs. Parties timely filed a proposed notice of approval.

On June 30, 2017, Order No 14 was issued, requesting clarification from the parties. This pleading is timely filed.

II. JOINT CLARIFICATION

As explained in the June 21, 2017 joint proposed notice of approval, Edom consented to the map provided by Staff, and that consent was filed June 8, 2017. Thus, parties accordingly requested that the June 8, 2017 concurrence by Edom be admitted into evidence, and not the May 30, 2017 filing by Edom.

Additionally, the ALJ is correct that RPM's water CCN 10787 should be amended as a result of this proceeding, and the parties support the ALJ making any changes to the proposed notice of approval, as supported by the procedural history in this docket, that are necessary to reach this intended result. Specifically, parties suggest the attached redlined proposed notice of approval be adopted in this docket.

III. CONCLUSION

The parties request that the ALJ issue a notice of approval in the form of the attached redlined Joint Proposed Notice of Approval.

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 12, 2017 in accordance with 16 TAC § 22.74.


Katherine Lengieza Gross

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|------------------------------------|----------|----------------------------------|
| APPLICATION OF EDM WATER | § | PUBLIC UTILITY COMMISSION |
| SUPPLY CORPORATION TO AMEND | § | |
| ITS WATER CERTIFICATE OF | § | OF TEXAS |
| CONVENIENCE NECESSITY IN | § | |
| HENDERSON AND VAN ZANDT | § | |
| COUNTIES | § | |

JOINT REVISED PROPOSED NOTICE OF APPROVAL

This Notice addresses the application from Edom Water Supply Corporation (Edom WSC) to amend its water certificate of convenience and necessity (CCN) No. 10747 in Henderson and Van Zandt Counties. Public Utility Commission of Texas (Commission) Staff recommended approval of the application. The application 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 December 21, 2015, Edom WSC filed an application to ~~an application to~~ amend its water certificate of convenience and necessity (CCN) No. 10747 in Henderson and Van Zandt Counties. As subsequently amended by Edom's April 7, 2017 filing, Edom WSC sought to amend its CCN and to decertify ~~approximately 199 acres of land of its own service area, to add land to its service area, and seeks dual certification with RPM Water Supply Corporation (RPM WSC) for another area of land, and decertify a portion of~~ RPM's service area for water CCN No. 10787.¹
2. On August 2, 2016, Order No 6 was issued deeming the application sufficient and administratively complete.

¹ Edom WSC's application originally requested 252 acres, but this was amended to 199 acres in Edom's revised large scale map and digital data filed on April 7, 2017 (AIS item 41).

3. On September 13, 2016, September 16, 2016, and October 20, 2016, Edom WSC filed proof of notice.
4. On November 1, 2017, Order No. 9 was issued deeming notice sufficient, and adopting a procedural schedule for the proceeding.
5. On June 9, 2017 and June 7, 2017, Edom WSC and RHPM WSC filed consent to the proposed water service area maps and certificates, as prepared by the Commission Staff.
6. The proposed maps and certificates referenced in Finding of Fact No. 5 are attached to this Notice.
7. On June 13, 2017, Commission Staff filed its recommendation finding that Edom WSC demonstrates adequate financial, managerial, and technical capability to provide service to the area subject to this application and that the application be approved.
8. On June 21, 2017, Commission Staff filed a joint propose notice of approval and a request to admit certain evidence in this proceeding.
9. On ~~June 30, 2017~~ Order No. 14 was issued, requesting clarification by the parties admitting evidence.
10. On July ~~30, 2017~~, parties submitted a joint clarification and revised joint notice of approval.
11. On ~~June 30, 2017~~, Order No. 15 was issued, admitting evidence.

Notice

- ~~12.~~ On September 13, 2016, Edom WSC filed proof of notice indicating that notice of the application was published in the Chandler Brownsboro Statesman on August 25, 2016 and September 1, 2016.
- ~~13.~~ On September 16, 2016, Edom WSC filed proof of notice indicating the provision of notice to all customers, neighboring utilities, and governmental entities on August 23, 2016.
- ~~14.~~ On October 20, 2016, Edom WSC filed proof of notice indicating that notice of the application was published in the Van Zandt County News on October 2, 2016 and October 9, 2016.

Informal Disposition

- ~~15.~~ More than 15 days have passed since completion of the notice in this application.
- ~~16.~~ Edom WSC and Commission Staff are the only parties to this proceeding.

~~45.17.~~ There are no contested issues, no protests, no motions to intervene, and no requests for a hearing in this application; therefore, no hearing is necessary.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code §§ 13.041, 13.241, 13.246, and 13.254 (TWC) and 16 Tex. Admin Code §§ 24.102 and 24.107 (TAC).

2. Edom WSC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).

2.3. RPM WSC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).

4. Edom WSC provided notice of the application in compliance with TWC § 13.246 and 16 TAC § 24.106.

5. RPM WSC consented to the partial decertification of its certificated service area as requested in the petition, consistent with TWC § 13.246.

~~3.~~

4.6. The application was processed in accordance with the TWC and Commission rules.

5.7. After considering the factors in TWC § 13.246(c), Edom WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area as required in TWC § 13.241.

6.8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

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III. ORDERING PARAGRAPHS

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

1. The application amending Edom WSC's water CCN No. 10747 in Henderson and Van Zandt Counties is approved.

2. Edom WSC's water CCN No. 10747 is amended consistent with this notice.

~~2-3.~~ RPM WSC's water CCN No. 10787 is amended consistent with this notice.

~~3-4.~~ 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~~ July 2017.

PUBLIC UTILITY COMMISSION OF TEXAS

JEFFERY J. HUHN

ADMINISTRATIVE LAW JUDGE