

Control Number: 45719



Item Number: 21

Addendum StartPage: 0



15719 DOC# 201600

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PUBLIC UTILITY COMMISSION
FILING CLERK

Public Utility Commission of Texas

CCN HOLDER'S AFFIDAVIT FOR COUNTY MAP FILING PURSUANT TO TEXAS WATER CODE 13.257

STATE OF TEXAS

COUNTY OF TRAVIS

NOTARY ID: 672672

Before me, the undersigned authority, on this day personally appeared <u>Emily Rogers</u>, who being by me duly sworn, deposes and says that she is the <u>Attorney</u> for the said retail public utility <u>El Paso Water Utilities Public Service Board</u> and that the attached maps and written description for CCN No. <u>10211</u> for the provision of <u>water retail utility service</u> are to be filed with the County Clerk's office in <u>El Paso County</u>, <u>Texas</u>.

Emily W. Rogers, Attorney for Paso Water Utilities Public Service Board

12-22-2016

Date

Subscribed and sworn to before me this 22 nd day of Seember, 2016, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public MY COMMISSION EXPIRES
MAY 13, 2018

Commission Expires 5/3/18

1



El Paso Water Utilities Public Service Board Water Certificate of Convenience and Necessity (CCN) 10211

Filing of El Paso Water Utilities Public Service Board Water Certificate of Convenience and Necessity (CCN) Map and Written Description of Four Area Additions to CCN No. 10211 as Required Under The Texas Water Code Section 13.257(r) and (s)

Refer to attached Maps (4) for corresponding locations of each coordinate call:

Areá 1

Point of Beginning:

- 1) South 8d 56m 48.93s East 18.43 Feet
- 2) South 34d 33m 28.52s East 60.67 Feet
- 3) South 45d 40m 11.38s East 60.95 Feet
- 4) South 56d 54m 31.18s East 81.53 Feet
- 5) South 60d 25m 28.32s East 80.81 Feet
- 6) South 52d 6m 40.75s East 53.56 Feet
- 7) South 43d 31m 20.00s East 138.4 Feet
- 8) South 36d 33m 32.44s East 53.08 Feet
- 9) South 84d 21m 0.940s West 138.2 Feet
- 10) North 85d 55m 44.42s West 1.449 Feet
- 11) South 87d 50m 43.57s West 3.509 Feet
- 12) South 82d 5m 26.00s West 3.508 Feet
- 13) South 75d 56m 5.901s West 3.509 Feet
- 14) South 69d 57m 17.57s West 1.917 Feet
- 15) South 59d 54m 46.33s West 12.18 Feet
- 16) North 88d 51m 35.10s West 9.481 Feet
- 17) North 88d 50m 55.24s West 161.5 Feet
- 18) North 44d 24m 20.30s West 396.7 Feet

4 Maria Maria Salaman Salaman Maria Maria

- 19) North 32d 39m 25.73s West 12.24 Feet
- 20) North 35d 36m 22.44s West 12.24 Feet
- 21) North 38d 33m 19.26s West 12.24 Feet
- 22) North 41d 30m 16.44s West 12.24 Feet
- 23) North 44d 27m 22.95s West 12.24 Feet
- 24) North 47d 24m 6.399s West 12.24 Feet
- 25) North 50d 21m 17.00s West 12.24 Feet
- 26) North 53d 18m 2.687s West 12.24 Feet
- 27) North 56d 15m 12.33s West 12.24 Feet
- 28) North 59d 12m 1.854s West 12.24 Feet
- 29) North 62d 9m 1.934s West 12.24 Feet
- 30) North 65d 6m 2.709s West 12.24 Feet
- 31) North 68d 2m 56.71s West 12.24 Feet
- 32) North 70d 59m 56.79s West 12.24 Feet
- 33) North 73d 56m 50.29s West 12.24 Feet
- 34) North 76d 53m 50.68s West 12.24 Feet
- 35) North 79d 50m 54.60s West 12.24 Feet
- 36) North 82d 47m 48.53s West 12.24 Feet
- 37) North 85d 44m 41.32s West 12.24 Feet
- 38) North 88d 41m 42.61s West 12.24 Feet
- 39) South 88d 21m 22.80s West 12.24 Feet
- 40) South 85d 24m 17.28s West 12.24 Feet
- 41) North 89d 18m 51.98s West 811.5 Feet
- 42) North 0d 19m 7.725s East 558.3 Feet
- 43) South 89d 19m 38.29s East 1078. Feet
- 44) South 8d 1m 56.22s East 1.396 Feet
- 45) South 7d 59m 37.15s East 87.83 Feet
- 46) South 7d 59m 59.71s East 97.93 Feet
- 47) South 12d 30m 21.16s East 113.3 Feet

- 48) South 18d 7m 0.168s East 113.8 Feet
- 49) South 27d 6m 18.75s East 41.88 Feet
- 50) South 36d 56m 11.94s East 42.64 Feet
- 51) South 34d 36m 11.06s East 69.64 Feet
- 52) South 34d 36m 57.01s East 14.28 Feet
- 53) South 6d 40m 35.21s East 18.27 Feet
- 54) Return to Point of Beginning

Area 2

Point of Beginning:

- 55) South 2d 59m 57.86s West 33.32 Feet
- 56) South 3d 8m 38.94s West 33.58 Feet
- 57) South 2d 39m 58.96s West 32.96 Feet
- 58) South 2d 31m 9.130s West 31.36 Feet
- 59) South 2d 29m 19.59s West 29.36 Feet
- 60) South 2d 43m 2.283s West 27.26 Feet
- 61) South 3d 42m 27.36s West 25.64 Feet
- 62) South 2d 58m 44.68s West 23.74 Feet
- 63) South 2d 14m 27.88s West 21.25 Feet
- 64) South 1d 34m 23.61s West 18.55 Feet
- 65) South 1d 8m 37.33s West 15.89 Feet
- 66) South 2d 48m 14.38s West 26.08 Feet
- 67) South 1d 47m 24.37s West 25.21 Feet
- 68) South 0d 40m 52.80s East 18.71 Feet
- 69) South 2d 42m 43.54s East 18.44 Feet
- 70) South 5d 5m 2.099s East 22.91 Feet
- 71) South 7d 9m 48.73s East 17.33 Feet

- 72) South 9d 54m 40.13s East 21.18 Feet
- 73) South 13d 37m 57.26s East 25.26 Feet
- 74) South 15d 53m 30.89s East 29.10 Feet
- 75) South 16d 45m 6.360s East 32.27 Feet
- 76) South 17d 26m 35.87s East 33.92 Feet
- 77) South 18d 29m 54.09s East 34.26 Feét
- 78) South 18d 25m 10.74s East 32.67 Feet
- 79) South 17d 7m 51.84s East 29.88 Feet
- 80) South 16d 31m 30.83s East 26.79 Feet
- 81) South 15d 29m 55.10s East 23.64 Feet
- 82) South 15d 23m 8.026s East 10.65 Feet
- 83) South 15d 22m 50.54s East 9.571 Feet
- 84) South 15d 40m 31.05s East 16.74 Feet
- 85) South 17d 31m 1.405s East 27.23 Feet
- 86) South 17d 31m 0.286s East 2.571 Feet
- 87) South 15d 54m 6.727s East 15.46 Feet
- 88) South 14d 50m 58.57s East 16.11 Feet
- 89) South 13d 26m 26.54s East 16.48 Feet
- 90) South 12d 21m 20.39s East 8.837 Feet
- 91) North 87d 34m 31.59s West 748.0 Feet
- 92) South 4d 55m 17.07s East 61.60 Feet
- 93) South 5d 15m 56.62s East 60.60 Feet
- 94) South 5d 6m 15.68s East 31.51 Feet
- 95) South 5d 6m 9.584s East 28.04 Feet
- 96) South 4d 53m 34.04s East 58.55 Feet
- 97) South 5d 8m 54.50s East 43.22 Feet
- 98) South 5d 8m 48.04s East 14.05 Feet
- 99) South 5d 12m 22.75s East 55.13 Feet
- 100) South 5d 12m 41.41s East 51.41 Feet

- 101) South 4d 54m 20.46s East 46.20 Feet
- 102) South 3d 52m 41.67s East 41.29 Feet
- 103) South 4d 40m 53.49s East 36.34 Feet'
- 104) South 4d 33m 46.68s East 31.02 Feet
- 105) South 4d 41m 3.567s East -- 25.06 Feet
- 106) South 4d 39m 22.94s East 20.20 Feet
- 107) South 4d 52m 43.61s East 16.18 Feet
- 108) South 5d 12m 46.78s East 23.23 Feet
- 109) South 4d 34m 43.34s East 16.50 Feet
- 110) South 2d 32m 41.36s East 17.07 Feet
- 111) South 1d 44m 29.85s East 32.94 Feet
- 112) North 87d 2m 46.23s West 1.957 Feet
- 113) North 87d 2m 38.75s West 226.3 Feet
- · 114) North 87d 2m 42.30s West 8.754 Feet
 - 115) North 1d 50m 37.19s East 335.4 Feet
 - 116) North 87d 45m 53.52s West 183.7 Feet
 - 117) South 2d 23m 43.24s West 333.0 Feet
 - 118) North 87d 2m 42.77s West -. 321.6 Feet
 - 119) North 87d 2m 43.56s West '57.32 Feet
 - 120) North 2d 17m 53.23s East 974.0 Feet
 - 121) North 89d 48m 33.60s East 111.4 Feet
 - 122) North 3d 18m 55.60s East 535.8 Feet
 - 123) South 88d 9m 27.91s East 476.0 Feet
 - 124) South 20d 4m 35.01s East 0.116 Feet
 - 125) South 87d 22m 49.14s East 10.02 Feet
 - 126) South 87d 23m 3.149s East 3.557 Feet
 - 127) South 87d 23m 6.318s East 398.3 Feet
 - 128) South 87d 23m 8.708s East 312.0 Feet
 - 129) South 87d 23m 7.318s East 7.283 Feet

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- 130) South 2d 59m 21.88s West 7.762 Feet
- 131) Return to Point of Beginning

Area 3:

Point of Beginning:

- 132) North 88d 44m 18.76s West 639.0 Feet
- 133) North 0d 11m 25.74s West 295.3 Feet
- 134) South 89d 22m 58.99s East 616.0 Feet
- 135) South 5d 10m 36.54s East 9.398 Feet
- 136) South 5d 10m 32.20s East 15.08 Feet
- 137) South 5d 9m 39.50s East 43.26 Feet
- 138) South 5d 16m 31.79s East 45.11 Feet
- 139) South 4d 49m 8.265s East 46.44 Feet
- 140) South 4d 36m 29.28s East 47.09 Feet
- 141) South 3d 55m 38.14s East 47.20 Feet
- 142) South 3d 3m 36.17s East 47.24 Feet
- 143) South 2d 35m 7.229s East 2.884 Feet
- 144) Return to Point of Beginning

Area 4:

Point of Beginning:

- 145) South 21d 27m 13.22s East 40.62 Feet
- 146) South 20d 32m 17.62s East 40.62 Feet
- 147) South 19d 37m 18.38s East 40.62 Feet
- 148) South 18d 42m 23.24s East 40.62 Feet
- 149) South 17d 47m 25.60s East 40.62 Feet
- 150) South 16d 52m 28.19s East 40.62 Feet

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- 151) South 15d 57m 30.15s East 40.62 Feet
- 152) South 15d 2m 35.09s East 40.62 Feet
- 153) South 14d 7m 36.60s East 40.62 Feet
- 154) South 13d 12m 40.14s East 40.62 Feet
- 155) South 12d 17m 40.58s East 40.62 Feet
- 156) South 11d 22m 46.23s East 40.62 Feet
- 157) South 10d 27m 47.79s East 40.62 Feet
- 158) South 9d 32m 50.23s East 40.62 Feet
- 159) South 8d 37m 52.91s East 40.62 Feet
- 160) South 7d 42m 58.51s East 40.62 Feet
- 161) South 6d 47m 58.46s East 40.62 Feet
- 162) South 5d 53m 2.746s East 40.62 Feet
- 163) South 4d 58m 4.072s East 40.62 Feet
- 164) South 4d 3m 7.074s East 40.62 Feet
- 165) South 3d 8m 10.55s East 40.62 Feet
- 166) South 2d 13m 12.91s East 40.62 Feet
- 167) South 1d 18m 17.76s East 40.62 Feet
- 168) South 25d 8m 34.47s East 13.06 Feet
- 169) South 25d 8m 40.87s East 22.78 Feet
- 170) South 25d 9m 52.16s East 35.83 Feet
- 171) South 16d 50m 1.779s East 71.33 Feet
- 172) South 12d 39m 7.689s East 71.88 Feet
- 173) South 17d 38m 15.94s East 99.96 Feet
- 174) South 17d 0m 39.31s East 99.97 Feet
- 175) South 14d 22m 1.233s East 116.5 Feet
- 176) South 14d 14m 26.62s East 111.6 Feet
- 177) South 15d 9m 11.70s East 12.80 Feet
- 178) South 15d 42m 3.755s East 139.9 Feet
- 179) South 16d 14m 59.00s East 147.9 Feet

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180) South 16d 53m 2.324s East - 7.918 Feet

181) South 16d 52m 58.86s East - 101.2 Feet

182) South 19d 44m 17.74s East - 109.3 Feet

183) North 87d 55m 27.88s West - 135.9 Feet

184) North 86d 32m 43.90s West - 1062. Feet

185) North 87d 49m 0.169s West - 129.0 Feet

186) North 6d 11m 36.59s East - 703.4 Feet

187) North 4d 22m 48.65s East - 33.94 Feet

188) North 0d 57m 13.19s West - 65.47 Feet

189) North 7d 57m 31.62s West - 65.46 Feet

190) North 14d 58m 32.69s West - 65.45 Feet

191) North 21d 59m 50.40s West ~ 65.47 Feet

192) North 25d 29m 49.91s West - 1085. Feét

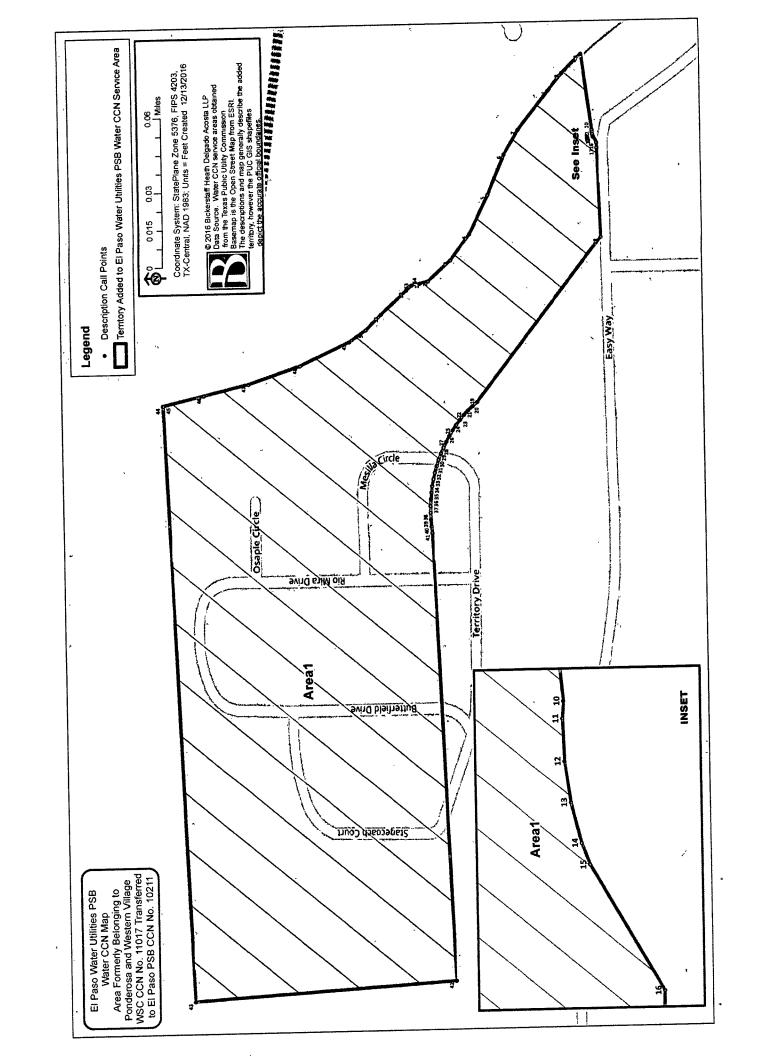
193) North 87d 16m 26.05s East - 107.4 Feet

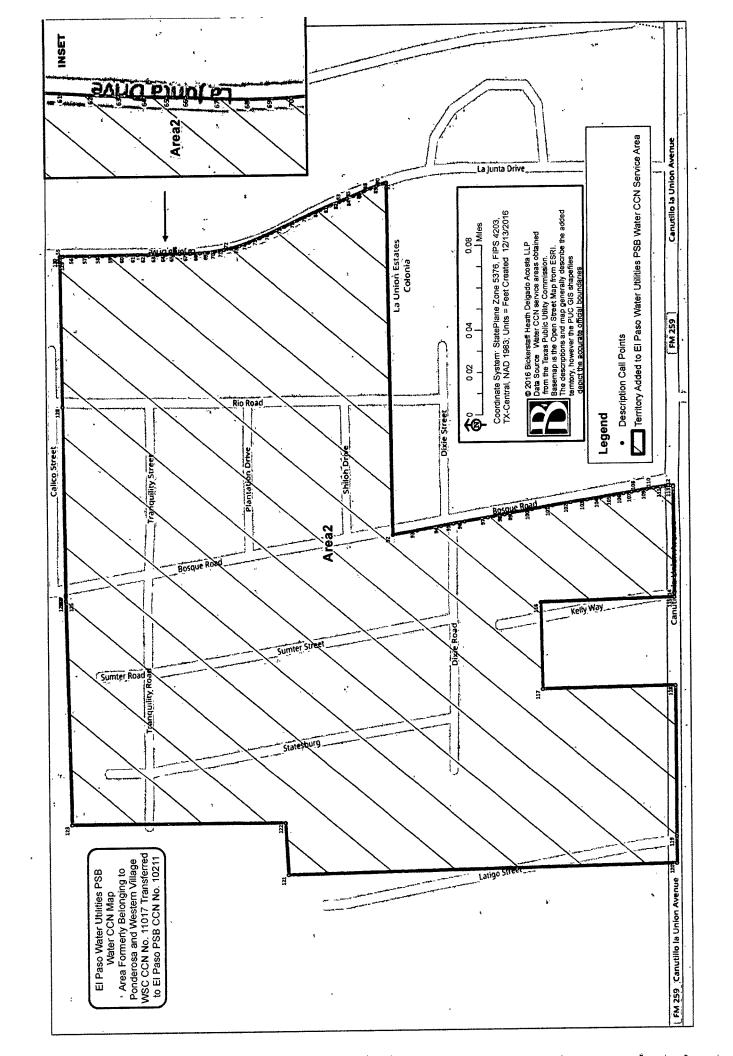
194) South 88d 34m 3.873s East - 916.0 Feet

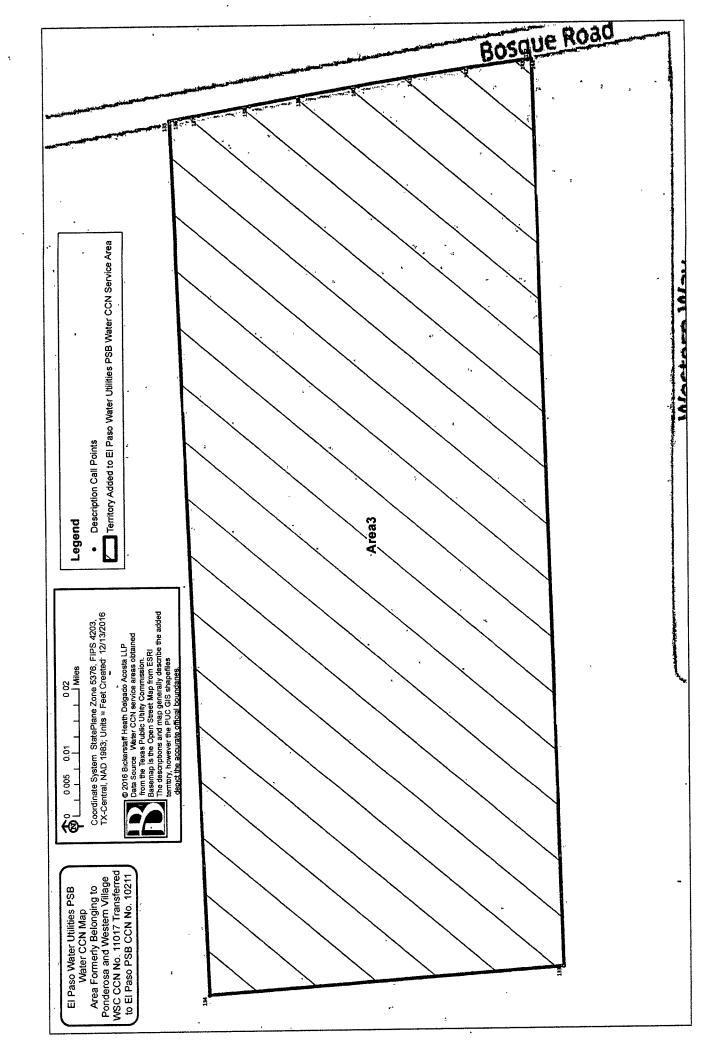
195) South 58d 9m 37.25s East - 7.772 Feet

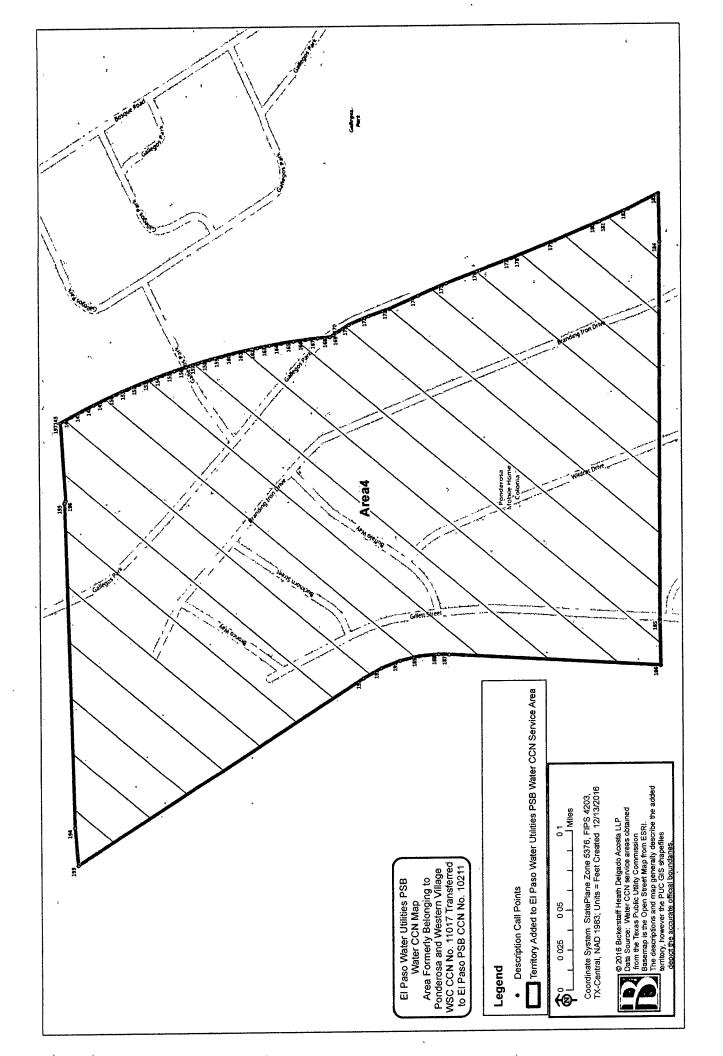
196) North 89d 8m 16.83s East - 219.2 Feet

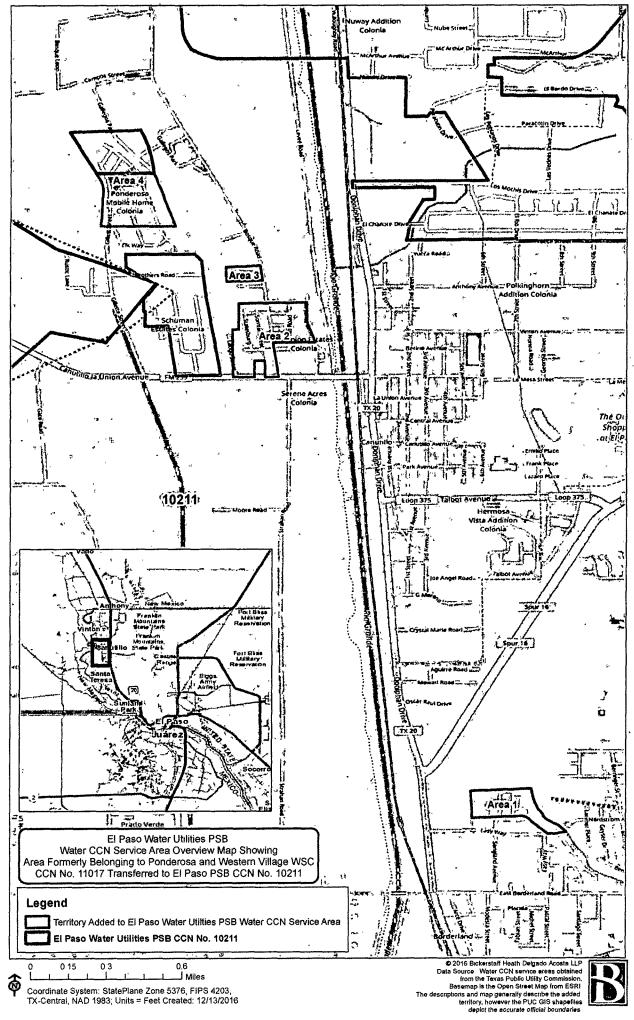
197) Return to Point of Beginning











DOCKET NO. 45719

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APPLICATION OF PONDEROSA AND WESTERN VILLAGE WATER SUPPLY CORPORATION AND EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN EL PASO COUNTY

OF TEXAS

NOTICE OF APPROVAL

The Notice addresses the application of El Paso Water Utilities Public Service Board (EPWU) and Ponderosa and Western Village Water Supply Corporation for the sale, transfer, or merger of facilities, customers, and certificated service areas in El Paso County. Commission Staff recommended approval the application. The application is approved.

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

Findings of Fact

Procedural History, Description and Background

- On March 11, 2016, EPWU and Ponderosa filed an application for the sale, transfer, or . 1. merger of the Ponderosa's facilities and certificate rights under certificate of convenience and necessity (CCN) No. 11017in El Paso County to EPWU.
- 2. EPWU holds water CCN No. 10211.
- 3. Ponderosa holds water CCN No. 11017.
- The applicants requested approval for EPWU to acquire all of the facilities and transfer all 4. of the customers and the entire service area of CCN No. 11017 from Ponderosa to EPWU and to amend EPWU's CCN No. 10211.
- As a result of the transaction, EPWU's water CCN will be expanded to include the proposed area and Ponderosa's CCN will be cancelled. Ponderosa will no longer be in the retail water utility business.

COPY OF THE ORIGINAL ON FILE WITH THE PUBLIC UTILITY COMMISSION OF TEXAS CENTRAL RECORDS DIVISION

- 6. On March 17, 2016, Order No. 1 was issued, requiring Commission Staff Comments/Recommendation.
- 7. On May 27, 2016 Order No. 3 was issued, deeming Ponderosa's proof of notice sufficient and adopting a procedural schedule for the remainder of the proceeding.
- 8. On July 7, 2016, Commission Staff recommend approval of the proposed sale and transfer, stating that the transaction will serve the public interest and meets the relevant statutory and regulatory requirements.
- 9. On July 12, 2016, Order No. 4 was issued, approving the sale, transfer, merger transaction between EPWU and Ponderosa to proceed and requiring closing documents evidencing consummation within one year of the approval, along with proof that customer deposits have been properly handled.
- 10. On August 29, 2016, EPWU filed documentation evidencing the transaction had been completed and deposits transferred from Ponderosa.
- 11. On September 12, 2016, EPWU filed a notice of the disposition of customer deposits and accompanying affidavit of Marcela Navarrete, Vice President for EPWU.
- 12. On September 30, 2016, Order No. 5 was issued, finding the closing documents sufficient and deposits properly handled. A supplemental procedural schedule was established.
- 13. On October 17, 2016, EPWU filed signed consent to the proposed amended certificate and map prepared by Commission Staff.
- 14. Ponderosa authorized EPWU to consent to the proposed amended certificate and map prepared by Commission Staff on Ponderosa's behalf.¹
- 15. The certificate and map described in Findings of Fact Nos. 13 and 14 are attached to this Notice.
- 16. On November 1, 2016, EPWU, Ponderosa, and Commission Staff filed a request to admit evidence and joint proposed notice of approval.

¹ Proof of Consummation of Transaction, attached Affidavit of Closing at 1-2 (Aug. 29, 2016).

17. On December 1, 2016, Order No. 6 was issued, admitting evidence into the record in this proceeding.

Notice

- 18. Notice of the application was published in the *Texas Register* on April 1, 2016.
- 19. Notice of the application was published in the El Paso Times, a newspaper of general circulation in El Paso County, on April 13 and 20, 2016.
- 20. On April 28, 2016, EPWU filed proof of publication and publisher's affidavit.

Informal Disposition

- 21. EPWU, Ponderosa, and Commission Staff are the only parties to this proceeding.
- 22. More than 15 days have passed since completion of the notice provided in this docket.
- 23. No protests, motions to intervene, or requests for hearing were filed in this docket; therefore, no hearing was necessary.
- 24. The requirements of 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 proceeding pursuant to Texas Water Code §§ 13.041, 13.241, 13.246, 13.251, and 13.301 (TWC).
- 2. EPWU and Ponderosa are retail water utilities as defined by TWC § 13.002(19).
- 3. Ponderosa is a water supply corporation as defined by TWC § 13.002(24).
- 4. Public notice of the application was provided as required by TWC § 13.301(a)(2).
- 5. The application was processed in accordance with the requirements of 13.301 and 16 Tex. Admin. Code §§ 24.103, 24.109 and 24.112 (TAC).
- 6. EPWU and Ponderosa completed the sale within one year from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.112(e) (TAC).

- 7. After considering the factors in TWC § 13.246(c), EPWU has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area, as required by TWC §§ 13.251 and 13.301(b).
- 8. EPWU and Ponderosa have demonstrated that the facility transfer and certificate cancellation requested in this application are in the public interest, as required by TWC § 13.301(d).
- 9. EPWU and Ponderosa 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(c).
- 10. Ponderosa has consented to cancellation of its CCN No. 11017, consistent with TWC § 13.254.
- 11. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(f), EPWU is required to record a certified copy of the approved CCNs and maps, 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.
- 12. The requirements of 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 orders:

- 1. The application is approved.
- 2. EPWU's CCN No. 10211 is amended consistent with this Notice, to include the service areas transferred from Ponderosa.
- 3. EPWU shall serve every customer and qualified service applicant within the area covered by its CCN No. 10211 and such service shall be continuous and adequate.
- 4. Ponderosa's CCN No. 11017 is hereby cancelled.

5. EPWU shall comply with the recording requirements of TWC § 13.257(r) for the area in El Paso 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 ____ day of December 2016.

SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

El Paso Water Utilities Public Service Board

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 El Paso Water Utilities Public Service Board, is entitled to this

Certificate of Convenience and Necessity No. 10211

to provide continuous and adequate water utility service to that service area or those service areas in El Paso County(ies) as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45719 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 the El Paso Water Utilities Public Service Board, 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.

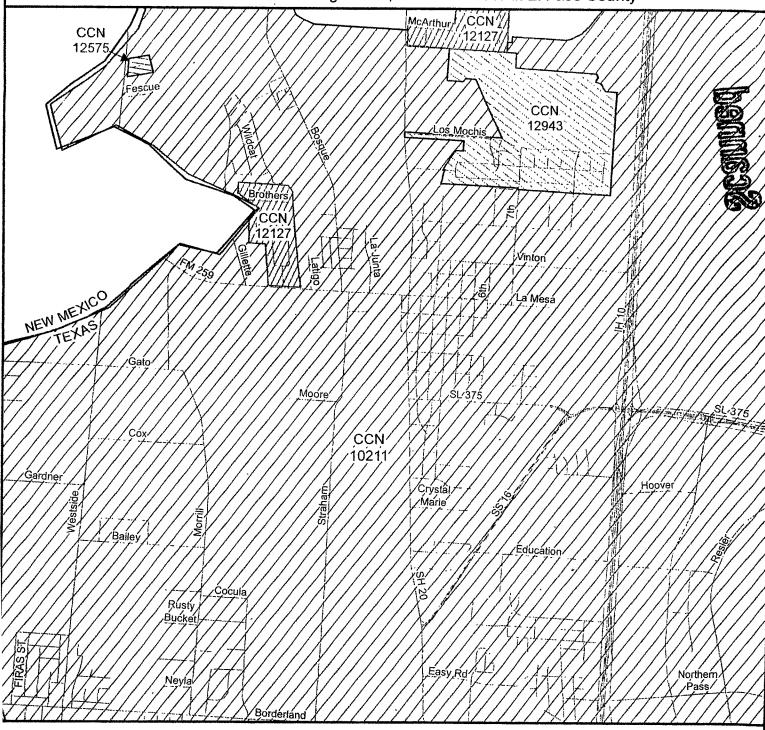
CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE WITH THE PUBLIC UTILITY COMMISSION OF TEXAS CENTRAL RECORDS DIVISION

DATE: 13-30/6

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE WITH TH PUBLIC UTILITY COMMISSION OF TEXAS

El Paso Water Utilities Public Service Board CENTRAL RECORDS DIVISION Portion of Water Service Area CCN No. 10211 PUC Docket No. 45719 Transferred and Cancelled

Ponderosa & Western Village WSC, CCN No. 11017 in El Paso County





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

Water CCN Service Areas

10211 - El Paso Water Utilities Public Service Board

12127 - East Motana Water System

12943 - El Paso East Lake Inc

12575 - Valley Acres MHP Water System



Map by: Kristy Nguyen Date created: September 29, 2016 Project Path: n:\Final Mans\45719 mxd



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#Pages 21 #WFBges 1
12/28/2016 12:13:28
Filed & Pecarded in
official Recards of
El Paso Courty
Delia Briches
County Clerk
Fees \$106.00

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.

EL PASO COUNTY, TEXAS