



Control Number: 45959



Item Number: 18

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APPLICATION OF TOWN OF §
 PROVIDENCE VILLAGE TO OBTAIN §
 CERTIFICATES OF CONVENIENCE §
 AND NECESSITY, DECERTIFY §
 PORTIONS OF MUSTANG SPECIAL §
 UTILITY DISTRICT'S §
 CERTIFICATES, AND CANCEL §
 PROVIDENCE VILLAGE WCID §
 NO. 1'S CERTIFICATES IN DENTON §
 COUNTY §

PUBLIC UTILITY COMMISSION
 OF TEXAS
 PUBLIC UTILITY COMMISSION
 FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the Town of Providence Village for issuance of new water and sewer certificates of convenience and necessity (CCN), to provide retail water and sewer service within its incorporated city limits, to amend the existing water and sewer CCNs of Mustang Special Utility District, and to cancel the existing water and sewer CCNs of Providence Village WCID No. 1. Commission Staff recommended approval of the application, as amended. The amended application is approved.

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

I. Findings of Fact

1. On May 12, 2016, Providence Village filed an application to obtain new water and sewer CCNs to provide retail water and sewer service within its incorporated city limits, to amend water CCN No. 11856 and sewer CCN No. 20930 of Mustang and to cancel water CCN No. 13020 and sewer CCN No. 20922 of Providence Village WCID, affecting the area located within the incorporated city limits of Providence Village.
2. On July 12, 2016, Providence Village filed supplemental information to cure the deficiencies identified by Commission Staff.
3. On July 28, 2016, Order No. 3 was issued, deeming the application, as amended, administratively complete, addressing notice, and establishing a procedural schedule.

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4. On October 18, 2016, signed consent forms were filed, evidencing the parties' agreement with the water and sewer maps and certificates for Providence Village and Mustang, as prepared by Commission Staff.
5. The water and sewer maps and certificates for Providence Village and Mustang, referenced in finding of fact No. 4, are attached to this Notice.
6. On November 4, 2016, Commission Staff recommended approval of the application, and provided copies of the proposed water and sewer service area maps and certificates for Providence Village and Mustang.
7. On December 5, 2016, Order No. 5 was issued, admitting evidence into the record of this proceeding.

Description of the Application

8. The total area affected by this application includes approximately 760 acres, 2,012 current customers, and current water and sewer service infrastructure owned by Providence Village.
9. Providence Village WCID No. 1 was dissolved by operation of law effective August 15, 2015. Upon dissolution of Providence Village WCID, the Town of Providence Village commenced ownership and operation of the water and sewer facilities formerly owned and operated by Providence Village WCID No. 1.
10. Providence Village and Mustang entered into a compromise settlement agreement and mutual release of claims on December 21, 2015, in which Mustang agreed to allow Providence Village to become the sole certificated provider of retail water and sewer service within the incorporated limits of the Town of Providence Village.

Notice

11. On August 4, 2016, Providence Village mailed individual notice of the application to neighboring systems, landowners, cities and affected parties.
12. Notice was provided by publication in the *Denton Record-Chronicle* on August 8 and 15, 2016.

13. On September 1, 2016, Providence Village filed affidavits attesting to mailed and published notice, including copies of individual notices.

Informal Disposition

14. The only parties to this proceeding are Commission Staff, Providence Village, and Mustang.
15. More than 15 days has passed since completion of the notice.
16. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket under Texas Water Code §§ 13.041, 13.241, 13.242, 13.244, 13.246 (TWC) and 16 Texas Administrative Code §§ 24.101 - 24.107 (TAC).
2. Providence Village is a retail public utility as defined in TWC § 13.002 (19) and 16 TAC § 24.3(58).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of TWC § 13.244 and 16 TAC §§ 24.102 and 24.105.
5. Based on the relevant factors in TWC § 13.246(c), Providence Village has demonstrated it should be granted certification of the requested area identified in the application, Mustang should be decertificated from such area, and the Providence Village WCID's water and sewer CCNs covering such area should be canceled. Providence Village possesses the financial, managerial and technical capability to provide continuous and adequate service to the requested area.
6. The application, as amended, meets the requirements set forth in TWC §§ 13.241, 13.242, 13.244 and 13.246, and 16 TAC §§ 24.101 - 24.102 and 24.104 - 24.106.

7. Providence Village has demonstrated that issuance of water CCN No. 13250 and sewer CCN No. 21096 is necessary for the service, accommodation, convenience or safety of the public as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
8. Providence Village has demonstrated that Mustang's water CCN No. 11856 and sewer CCN No. 20930 should be amended to delete the area covered by water CCN No. 13250 and sewer CCN No. 21096 issued to Providence Village.
9. Providence Village has demonstrated that Providence Village WCID's water CCN No. 13020 and sewer CCN No. 20922 should be canceled.
10. Under TWC § 13.257(r) and 16 TAC 24.106(f), Providence Village and Mustang are each required to record a certified copy of their respective 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.
11. The requirements for informal disposition under 16 TAC § 22.35 have been met in this docket.

III. Ordering Paragraphs

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

1. The application, as amended, is approved.
2. Providence Village is granted water CCN No. 13250, in Denton County consistent with this Notice.
3. Providence Village shall serve every customer and applicant for water service within the area certified under water CCN No. 13250, and such service shall be continuous and adequate.
4. Providence Village is granted sewer CCN No. 21096 in Denton County, consistent with this Notice.

5. Providence Village shall serve every customer and applicant for sewer service within the area certified under sewer CCN No. 21096, and such service shall be continuous and adequate.
6. Mustang's water CCN No. 11856 is amended to reflect the boundary change consistent with this Notice.
7. Mustang's sewer CCN No. 20930 is amended to reflect the boundary change consistent with this Notice.
8. Mustang shall continue to serve every customer and applicant for water service within the area certified under water CCN No. 11856, and such service shall be continuous and adequate.
9. Mustang shall continue to serve every customer and applicant for sewer service within the area certified under sewer CCN No. 20930, and such service shall be continuous and adequate.
10. Providence Village and Mustang shall comply with the recording requirements of TWC § 13.257(r) for the area in Denton County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
11. Providence Village WCID No. 1's water CCN No. 13020 and sewer CCN No. 20922 are cancelled.
12. 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 8th day of December 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


JEFFREY J. HUHN

ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That Town of Providence Village

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, Town of Providence Village is entitled to this

Certificate of Convenience and Necessity No. 13250

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. 45959 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 Town of Providence Village 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 obtain 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 8th day of December 2016



Public Utility Commission of Texas

By These Presents Be It Known To All That Town of Providence Village

having obtained certification to provide sewer 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, Town of Providence Village is entitled this

Certificate of Convenience and Necessity No. 21096

to provide continuous and adequate sewer 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. 45959 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 Town of Providence Village 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 obtain 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 8th day of December 2016



Public Utility Commission of Texas

By These Presents Be It Known To All That Mustang Special Utility District

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, Mustang Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 11856

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. 45959 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 Mustang Special Utility District 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 obtain 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 8th day of December 2016



Public Utility Commission of Texas

By These Presents Be It Known To All That Mustang Special Utility District

having obtained certification to provide sewer 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, Mustang Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 20930

to provide continuous and adequate sewer 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. 45959 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 Mustang Special Utility District 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 obtain 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 8th day of December 2016

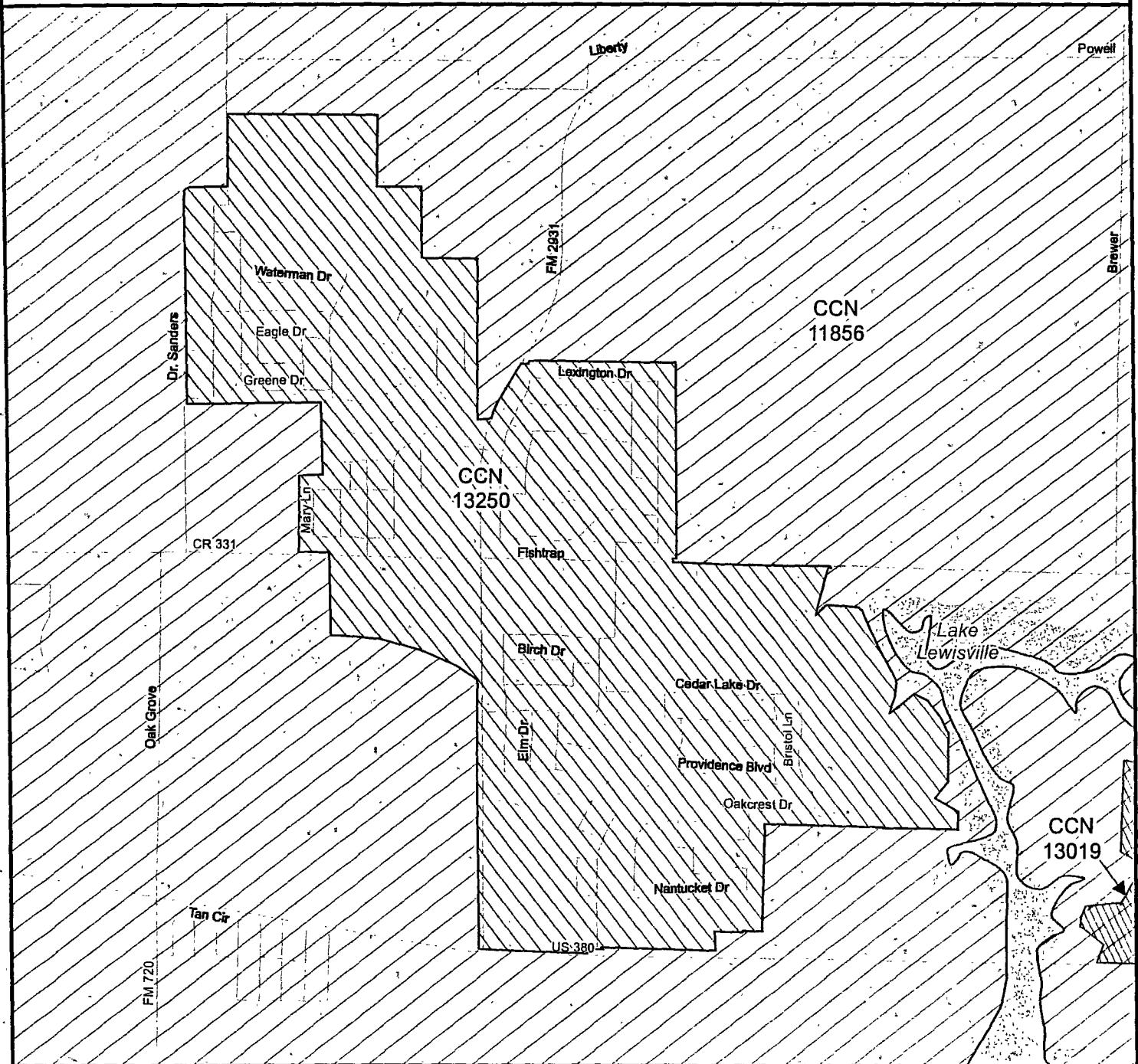
Town of Providence Village

Water Service Area

CCN No. 13250




PUC Docket No. 45959

Obtained CCN No. 13250, Decertified a Portion of Mustang SUD, CCN No. 11856, and
Cancelled Providence Village WCID, CCN No. 13020 in Denton County



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

Water CCN Service Areas

-  13250 - Town of Providence Village
-  11856 - Mustang SUD
-  13019 - Denton County FWSD 8B

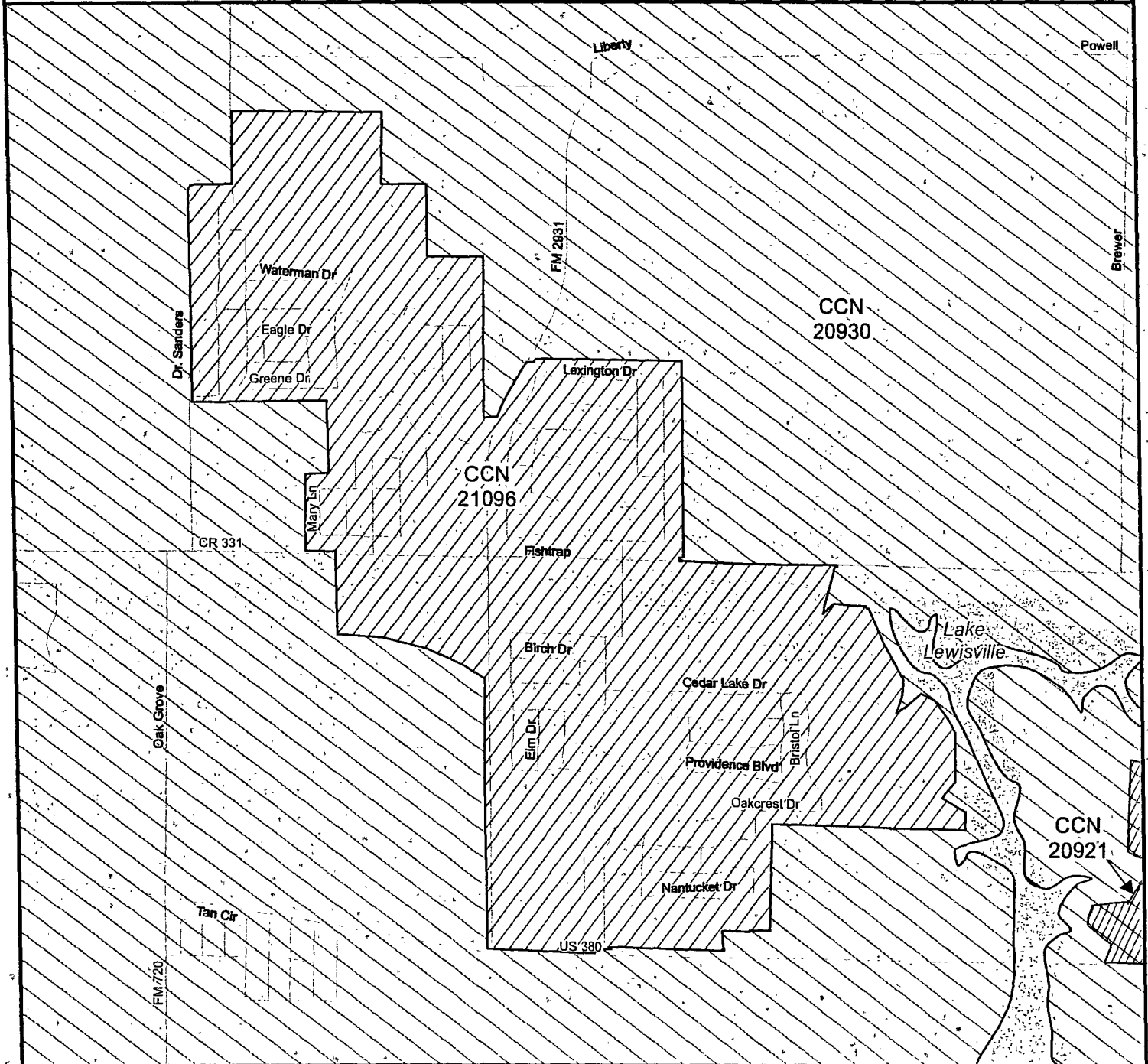


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Feet




Map by: Kristy Nguyen
Date created: October 14, 2016
Project Path: n:\Final Maps\45959\Water.mxd

Town of Providence Village
Sewer Service Area
CCN No. 21096
PUC Docket No. 45959

Obtained CCN No. 21096, Decertified a Portion of Mustang SUD, CCN No. 20930, and
Cancelled Providence Village WCID, CCN No. 20922 in Denton County



Sewer CCN Service Areas

-  21096 - Town of Providence Village
-  20930 - Mustang SUD
-  20921 - Denton County FWSD 8B

