

Control Number: 45989



Item Number: 15

Addendum StartPage: 0

RECEIVED

APPLICATION OF MUSTANG §
SPECIAL UTILITY DISTRICT TO §
AMEND A SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
DENTON COUNTY §

2016 DEC 22 AM 10:04
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND REQUEST TO ADMIT EVIDENCE

COMES NOW, the Mustang Special Utility District (Mustang SUD) and, on behalf of itself and the Commission Staff of the Public Utility Commission of Texas (Staff) (collectively, the Signatories), files this Joint Proposed Notice of Approval and Request to Admit Evidence. In support thereof, the Signatories show the following:

I. BACKGROUND

On May 24, 2016, Mustang SUD filed an application to amend its sewer certificate of convenience and necessity (CCN) in Denton County, Texas. The purpose of the amendment is to provide retail sewer service to certain areas not previously within Mustang SUD’s sewer CCN. Order No. 4 ordered the parties to submit a Joint Proposed Notice of Approval by December 22, 2016. Therefore, this pleading is timely filed.

II. REQUEST TO ADMIT EVIDENCE

The Signatories respectfully request the entry of the following items into evidence for the purposes of supporting the Commission’s Notice of Approval in this proceeding:

1. Application of Mustang Special Utility District to Amend a Sewer Certificate of Convenience and Necessity in Denton County (filed on May 24, 2016) (AIS Item No. 1);
2. Mustang SUD’s Response to Order No. 2 containing supplemental maps and digital data as requested by Staff (filed on July 14, 2016) (AIS Item No. 7);

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3. Mustang SUD's Publisher's Affidavit and supporting documentation and Affidavit of Mailed Notice and supporting documentation (filed on September 1, 2016) (AIS Item No. 10); and

4. Staff's Recommendation on Final Disposition and supporting documentation (filed on December 14, 2016) (AIS Item No. 14).

III. REQUEST FOR ISSUANCE OF NOTICE OF APPROVAL

The Signatories respectfully request entry of the Notice of Approval attached hereto as Attachment "A" and the supporting documentation attached hereto as Attachment "B." Issuance of these documents would approve the amendments to Mustang SUD's sewer CCN.

WHEREFORE, PREMISES CONSIDERED, Mustang SUD, on its own behalf and on behalf of Staff, files this Joint Proposed Notice of Approval and Request to Admit Evidence and respectfully requests that the Commission adopt the attached proposed Notice of Approval and supporting documentation.

Respectfully submitted,

JACKSON WALKER L.L.P.

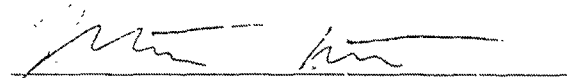
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be served on all parties of record on this 22nd day of December, 2016, in accordance with 16 Tex. Admin. Code § 22.74.


Mallory Beck

Attachment A

PUC Docket No. 45989

APPLICATION OF MUSTANG	§	
SPECIAL UTILITY DISTRICT TO	§	PUBLIC UTILITY COMMISSION
AMEND A SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
DENTON COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application filed by the Mustang Special Utility District (Mustang SUD) to amend Mustang SUD's sewer Certificate of Convenience and Necessity (CCN) No. 20930 in Denton County, Texas, pursuant to Tex. Water Code §§ 13.242-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-.107 (TAC). On December 14, 2016, Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) recommended that the Commission approve the application.

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

I. FINDINGS OF FACT

Procedural History

1. On May 24, 2016, Mustang SUD filed an application with the Commission to amend its sewer CCN No. 20930 in Denton County, Texas.
2. Mustang SUD's application sought to amend Mustang SUD's sewer CCN to include approximately 5,045 additional acres and 340 additional customers.
3. On May 26, 2016, Order No. 1 was issued requiring comments on administrative completeness and notice.
4. On June 27, 2016, Order No. 2 was issued finding the application deficient and therefore administratively incomplete.
5. On July 14, 2016, pursuant to Order No. 2 finding the application incomplete and deficient, Mustang SUD filed supplemental information, including maps and digital data.
6. On August 17, 2016, Order No. 3 was issued deeming the application administratively complete.

Notice

7. Notice of the application was published in the June 10, 2016 edition of the *Texas Register*.
8. Mustang SUD provided notice by publication in the *Denton Record Chronicle* on August 24, 2016 and August 31, 2016. On September 1, 2016, Mustang SUD filed a publisher's affidavit, dated August 31, 2016, which attested to the notice.
9. Mustang SUD mailed notice of the application to neighboring systems, customers, and cities on August 25, 2016. On September 1, 2016, Mustang SUD filed an affidavit, dated August 25, 2016, attesting that neighboring systems, landowners, and cities were mailed notice.
10. On September 15, 2016, Order No. 4 was issued finding Mustang SUD's notice sufficient and adopting a revised procedural schedule.

Evidentiary Record

11. On December 8, 2016, Mustang SUD filed its consent to the proposed map and CCN provided by Staff.
12. On December 14, 2016, Staff filed its Recommendation on Final Disposition, recommending that the application be approved.
13. On _____, 2016, Mustang SUD filed the Joint Proposed Notice of Approval and Request to Admit Evidence on behalf of itself and Staff.
14. On _____, 2016, the Commission granted the Joint Request to Admit Evidence. The following evidence was admitted into the record:
 - a. Application of the Mustang Special Utility District to Amend a Sewer Certificate of Convenience and Necessity in Denton County (filed on May 24, 2016) (AIS Item No. 1);
 - b. Mustang SUD's Response to Order No. 2 containing supplemental maps and digital data as requested by Staff (filed on July 14, 2016) (AIS Item No. 7);
 - c. Mustang SUD's Publisher's Affidavit and supporting documentation and Affidavit of Mailed Notice and supporting documentation (filed on September 1, 2016) (AIS Item No. 10); and
 - d. Staff's Recommendation on Final Disposition and supporting documentation (filed on December 14, 2016) (AIS Item No. 14).

Informal Disposition

15. More than 15 days have passed since completion of the notice in this docket.

16. The Commission received no protests, motions to intervene, or requests for hearing.
17. Staff and Mustang SUD are the only parties to the proceeding
18. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.
19. The CCN certificate and map, as admitted, are approved.

II. CONCLUSION OF LAW

1. The Commission has jurisdiction over Mustang SUD's application under Tex. Water Code §§ 13.242-13.250 and 16 Tex. Admin. Code §§ 24.101-24.107.
2. Mustang SUD is a retail public utility, as defined by Tex. Water Code § 13.002(19) and 16 Tex. Admin. Code § 24.3(41).
3. Notice of this application was provided to affected parties, as required by Tex. Water Code § 13.246 and 16 Tex. Admin. Code § 24.106.
4. The application was processed in accordance with the requirements of the Administrative Procedures Act, Tex. Gov't Code §§ 2001.001-2001.902; Tex. Water Code §§ 13.242-13.250; and 16 Tex. Admin. Code § 24.101-24.107.
5. The requirements for informal dispositions under 16 Tex. Admin. Code § 22.35 have been met in this proceeding. It is unnecessary to hold a hearing on the merits regarding the application.
6. Based on the evidence admitted into the record, Mustang SUD has demonstrated that the application meets the requirements in Tex. Water Code §§ 13.242-13.250 and 16 Tex. Admin. Code §§ 24.101-24.107.
7. After considering the relevant factors in Tex. Water Code § 13.246(c), Mustang SUD has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.
8. Mustang SUD has demonstrated that an amendment of its sewer CCN No. 20930 is necessary for the service, accommodation, convenience, or safety of the public, as required under Tex. Water Code § 13.246(b) and 16 Tex. Admin. Code § 24.102(c).

III. ORDERING PARAGRAPHS

The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. Mustang SUD's application is approved.
2. Mustang SUD's sewer CCN No. 20930 is amended, as requested in the application, in accordance with this Notice of Approval and the attached map and certificate.

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 in this Notice of Approval, are denied.

SIGNED AT AUSTIN, TEXAS, the _____ day of _____, 2016.

Administrative Law Judge

Attachment B



Public Utility Commission of Texas

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

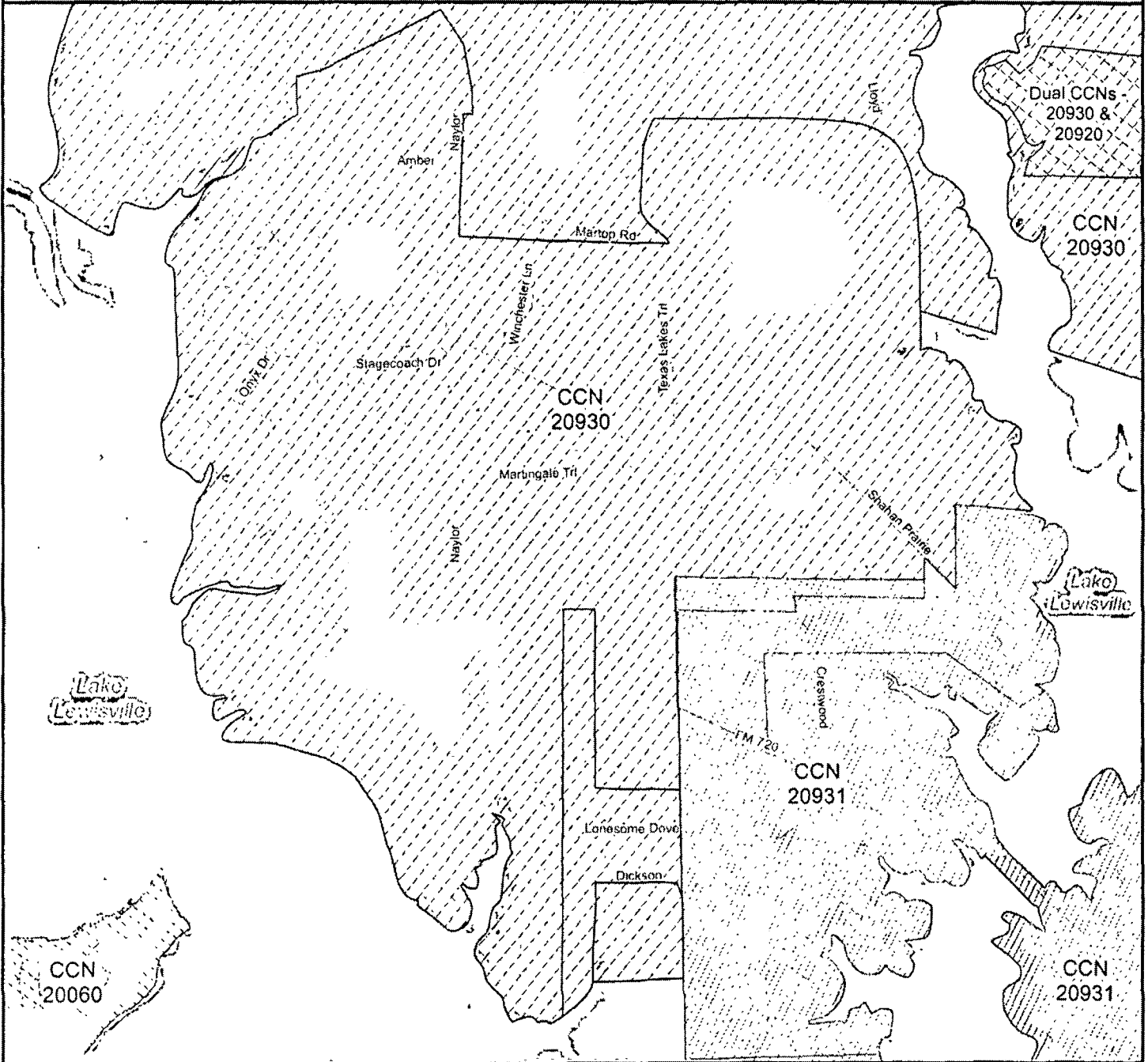
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Mustang Special Utility District is entitled 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. 45989 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 _____ day of _____ 2016.

Mustang SUD
Portion of Sewer Service Area
CCN No. 20930
PUC Docket No. 45989.
Amended CCN No. 20930 and
Decertified all of City of Oak Point, CCN No. 20908 in Denton County



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

Sewer CCN Service Areas

-  20930 - Mustang SUD
-  20060 - Lake Cities MUA
-  20920 - Denton County FWSD 8A
-  20931 - Town of Little Elm



0 1,500 3,000
Feet

Map by: Kristly Nguyen
 Date created: November 28, 2016
 Project Path: n\Final Maps\45989.mxd