



Control Number: 45989



Item Number: 17

Addendum StartPage: 0

RECEIVED

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

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the Mustang Special Utility District to amend its sewer certificate of convenience and necessity (CCN). Commission Staff recommended approval of the application, as amended. The application, as amended, is approved.

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

I. Findings of Fact

Procedural History

1. On May 24, 2016, Mustang filed an application to amend its sewer CCN No. 20930 in Denton County to include approximately 5,045 additional acres and 340 additional customers. Mustang supplemented the application on July 14, 2016.
2. Approval of this application would result in the addition of approximately 5,045 acres with 340 existing customers to Mustang's CCN No. 20930, and a portion of this area being decertified from the City of Oak Point's CCN No. 20908, which will be cancelled.
3. Oak Point consented to the decertification/cancellation requested in this application.
4. On August 17, 2016, Order No. 3 was issued deeming the application administratively complete.
5. On September 15, 2016, Order No. 4 was issued, deeming the notice of this application provided by Mustang to be sufficient and establishing a procedural schedule.
6. On December 8, 2016, Mustang filed a signed consent to the revised map and certificate as prepared by Commission Staff.

7. On December 14, 2016, Commission Staff recommended approval of the application and provided copies of the map and certificate to which Mustang consented.
8. The map and certificate discussed in Findings of Fact No. 6 and 7 are attached to this notice.

Notice

9. Notice of the application was published in the June 10, 2016 edition of the *Texas Register*.
10. Mustang provided notice by publication in the *Denton Record Chronicle* on August 24, 2016 and August 31, 2016.
11. Mustang mailed notice of the application to neighboring systems, customers, and cities on August 25, 2016.
12. On September 1, 2016, Mustang filed a publisher's affidavit, dated August 31, 2016, which attested to published notice and an affidavit attesting that neighboring systems, landowners, and cities were mailed notice.

Evidentiary Record

13. On January 31, 2017 2016, Order No. 5 was issued admitting evidence into the record of this proceeding.

Informal Disposition

14. More than 15 days have passed since completion of the notice in this docket.
15. There were no protests, motions to intervene, or hearing requests filed.
16. Commission Staff and Mustang are the only parties to the proceeding
17. 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 over Mustang's application under Tex. Water Code §§ 13.242-13.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-24.107 (TAC).
2. Mustang is a retail public utility, as defined by TWC § 13.002(19) and 16 TAC

§ 24.3(58).

3. Notice of this application was provided to affected parties, as required by TWC § 13.246 and 16 TAC § 24.106.
4. After considering the relevant factors in TWC § 13.246(c), Mustang has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.
5. The application was processed in accordance with the requirements of the Administrative Procedures Act, Tex. Gov't Code §§ 2001.001-2001.902; TWC §§ 13.242-13.250; and 16 TAC § 24.101-24.107.
6. Based on the evidence admitted into the record, Mustang has demonstrated that the application meets the requirements in TWC §§ 13.242-13.250 and 16 TAC §§ 24.101-24.107.
7. Mustang 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 TWC § 13.246(b) and 16 TAC § 24.102(c).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Mustang is required to record a certified copy of the approved certificate 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.
9. The requirements for informal dispositions under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

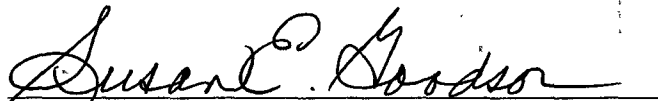
The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. Mustang's application, as amended, is approved.
2. Mustang's sewer CCN No. 20930 is amended, in accordance with this Notice.

3. Mustang SUD shall comply with the recording requirements in TWC § 13.257(r) for the areas in Denton County affected by this application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
4. The City of Oak Point's CCN No. 20908 is cancelled.
5. 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, are denied.

SIGNED AT AUSTIN, TEXAS the 31ST day of January 2016.

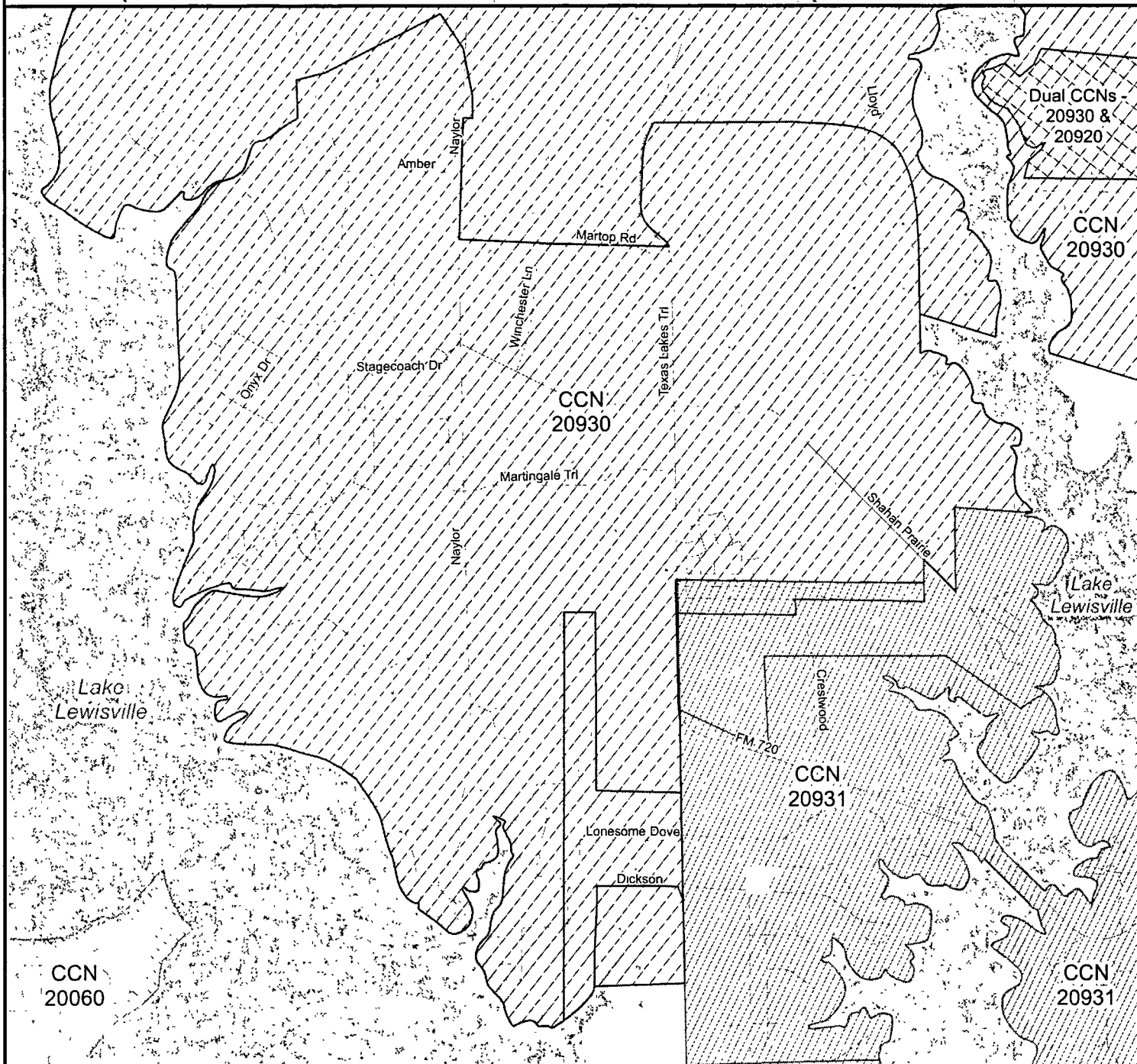
PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE

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: Kristy Nguyen
 Date created: November 29, 2016
 Project Path: n:\Final Maps\45989.mxd



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 31ST day of January 2017.