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DOCKET NO. 46312

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APPLICATION OF ROCK CREEK  
WATER SUPPLY CORPORATION  
AND POSSUM KINGDOM WATER  
SUPPLY CORPORATION FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN PALO PINTO COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

### NOTICE OF APPROVAL

This Notice addresses the application of Rock Creek Water Supply Corporation and Possum Kingdom Water Supply Corporation (collectively, applicants) for the sale, transfer, or merger of facilities and certificate rights in Palo Pinto County. 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

1. On August 26, 2016, applicants filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Palo Pinto County.
2. Rock Creek holds water certificate of convenience and necessity (CCN) number 13139 in Palo Pinto County.
3. Rock Creek seeks to transfer the service area and facilities of CCN No. 13139 to Possum Kingdom.
4. The total service area being requested includes approximately 500 acres and 98 existing customers. The rates for affected customers will be Possum Kingdom's current rates and service will continue as currently provided.
5. On August 30, 2016, Order No. 1 was issued requiring Commission Staff to file a recommendation regarding the administrative completeness of the application.
6. On September 28, 2016, Order No. 2 was issued finding the application administratively complete, requiring notice, and establishing a procedural schedule.

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7. On October 10, 2016, Rock Creek filed an affidavit regarding the provision of notice of the application including a copy of the notice and a list of recipients.
8. On October 28, 2016, Order No. 3 was issued deeming notice deficient and ordering Rock Creek to resend notice.
9. On November 7, 2016, Rock Creek filed an affidavit regarding the provision of notice of the application including a copy of the revised notice and a list of recipients.
10. On November 22, 2016, Order No. 4 was issued, deeming notice sufficient and complete, and adopting a procedural schedule.
11. On January 20, 2017, Order No. 5 was issued authorizing the transaction to proceed, and instructing the applicants to provide monthly status reports and closing documents and evidence of the disposition of any remaining customer deposits.
12. On September 5, 2017, applicants filed closing documents, including a sale agreement, bill of sale and assignment, and affidavit of closing confirming that the transaction closed on July 1, 2017.
13. On September 19, 2017, Possum Kingdom filed a correction to the affidavit of closing.
14. On September 25, 2017, Order No. 8 was issued finding the closing documents sufficient and complete, and establishing procedural deadlines for the remainder of the proceeding.
15. On October 17, 2017, Possum Kingdom filed a signed consent form agreeing to the final map and revised certificate, as prepared by Commission Staff.
16. The certificate and map described in Finding of Fact No. 15 are attached to this Notice.
17. On November 15, 2017, applicants and Commission Staff filed a joint motion to admit evidence and a proposed notice of approval.
18. A revised consent form was filed on January 19, 2018 reflecting a checkmark indicating concurrence with the map prepared by Commission Staff.
19. On January 24, 2018, Order No. 9 was issued admitting evidence into the record of this proceeding.

**Notice**

20. On September 9, 2016, notice of the application was published in the *Texas Register*.
21. On October 5, 2016, notice of the application was mailed to neighboring utilities, cities, and affected parties and on November 1, 2016, a revised notice was mailed.

**Informal Disposition**

22. More than 15 days have passed since completion of the notice provided in this docket.
23. No protests have been filed, no requests for hearing have been filed, and no issues of fact or law are disputed by any party.

**II. Conclusions of Law**

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) §§ 13.241, 13.246(c), and 13.301.
2. Rock Creek and Possum Kingdom are retail public utilities as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a)(2).
4. The application was processed in accordance with the requirements of the TWC § 13.301 and 16 TAC § 24.109.
5. Rock Creek and Possum Kingdom completed the sale within 180 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.109(o).
6. After considering the factors in TWC § 13.246(c), Possum Kingdom has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.
7. Rock Creek and Possum Kingdom have demonstrated that the sale and transfer of service area and facilities for CCN No. 13139 requested in this application are necessary for the service, accommodation, convenience, or safety of the public.
8. Under TWC § 13.257(r) and (s), Possum Kingdom is required to record a certified copy of the 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.

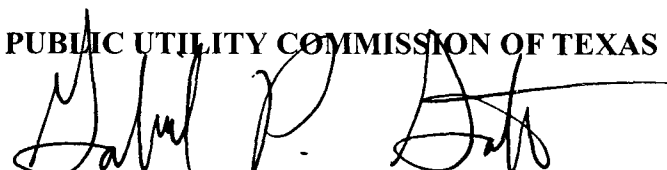
9. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

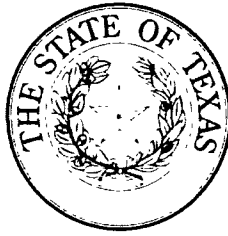
### III. Ordering Paragraphs

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

1. The application is approved.
2. The service area and facilities in Palo Pinto County associated with CCN No. 13139 are transferred from Rock Creek to Possum Kingdom.
3. Possum Kingdom's CCN No. 12890 is amended to include the service area transferred from Rock Creek. The certificate and map for Possum Kingdom attached to this Notice are approved.
4. Rock Creek's CCN No. 13139 is cancelled consistent with this Notice.
5. Possum Kingdom shall serve every customer and qualified service applicant within its service area, and such service shall be continuous and adequate.
6. Possum Kingdom shall comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Palo Pinto County affected by the transfer and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 25<sup>th</sup> day of January 2018.

PUBLIC UTILITY COMMISSION OF TEXAS  
  
GABRIEL P. SOTO  
ADMINISTRATIVE LAW JUDGE



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Possum Kingdom Water Supply Corporation**

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 Possum Kingdom Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 12890**

to provide continuous and adequate water utility service to that service area or those service areas in Palo Pinto County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46312 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Possum Kingdom Water Supply Corporation, 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.

Issued at Austin, Texas, the 25<sup>TH</sup> day of JANUARY 2018.

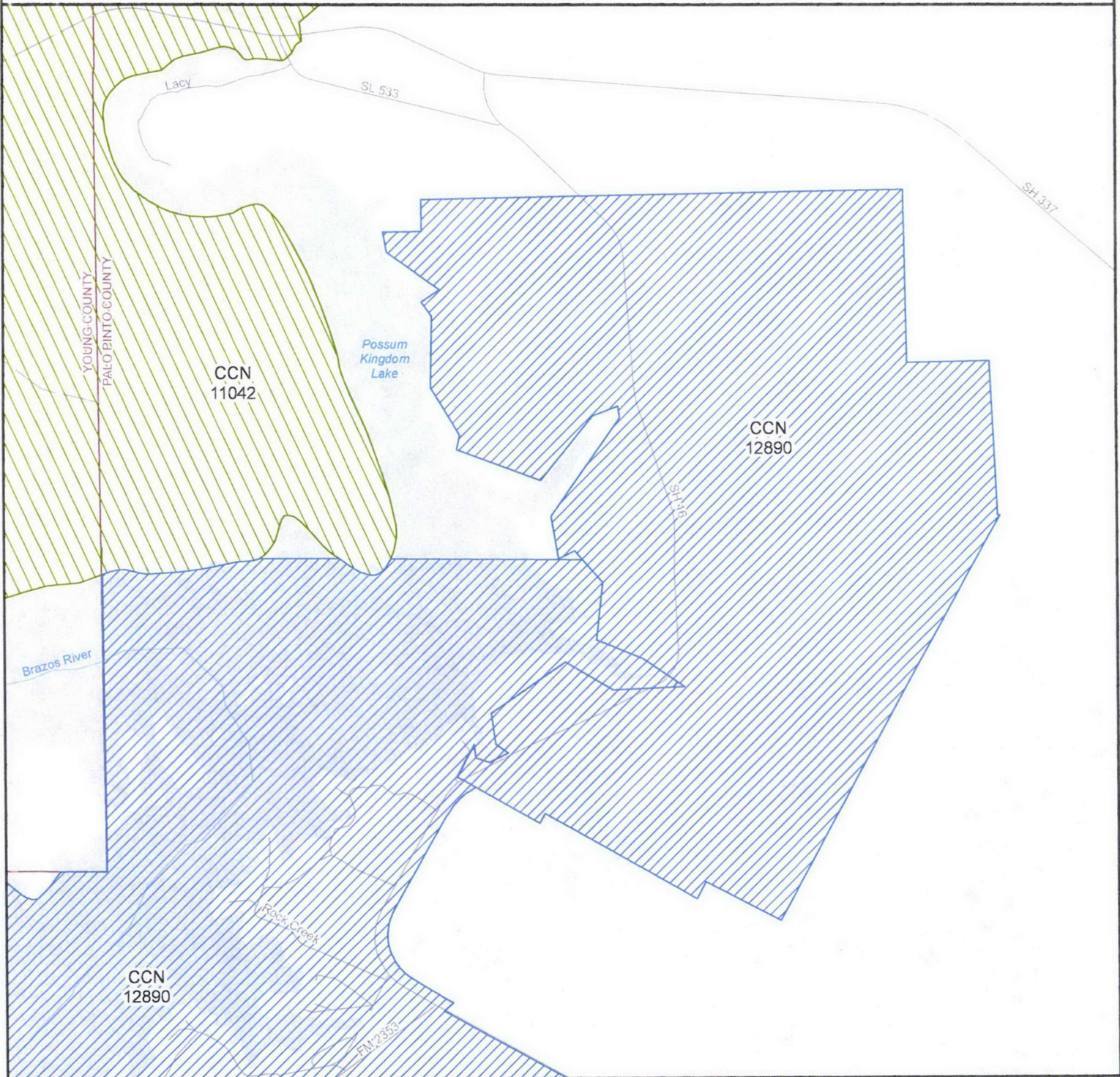


Possum Kingdom Water Supply Corporation

Portion of Water CCN No. 12890

PUC Docket No. 46312

Transferred all of Rock Creek Water Supply Corporation, CCN No. 13139 in Palo Pinto County



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

**Water CCN**

 12890 - Possum Kingdom WSC

 11042 - Fort Belknap WSC

0 1,500 3,000  
Feet



Map by: Komal Patel  
Date created: September 26, 2017  
Project Path: n:\vinalmapping\46312PossumKingdom.mxd