



Control Number: 46381



Item Number: 22

Addendum StartPage: 0

**DOCKET NO. 46381**

**APPLICATION OF SHERMAN'S  
MILL WATER SUPPLY  
CORPORATION TO OBTAIN A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
IN KERR COUNTY**

§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

RECEIVED  
2017 JUN -2 PM 1:05  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**JOINT PROPOSED NOTICE OF APPROVAL AND  
MOTION TO ADMIT EVIDENCE**

**COMES NOW** Sherman's Mill Water Supply Corporation (Sherman's Mill) and the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and file this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 6 and would show the following:

**I. BACKGROUND**

On September 19, 2016, Sherman's Mill Water Supply Corporation filed an application with the Commission to obtain a water Certificate of Convenience and Necessity (CCN) in Kerr County.

On February 27, 2017, Order No. 6 was issued, establishing a deadline of June 2, 2017 for the parties to file joint proposed findings of fact and conclusions of law. Joint proposed findings of fact and conclusions of law are hereby filed.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The parties move to admit the following evidence into the record of this proceeding: (a) Sherman's Mill's September 19, 2016 application; (b) Sherman's Mills November 10 and November 18, 2016 supplemental filings; (c) publisher's affidavit dated January 3, 2017, filed January 9, 2017, and signed by Clint Schroeder attesting to the publication of notice; (d) an affidavit dated January 5, 2017, filed January 9, 2017, and signed by Lucy Burton attesting to notice mailed December 20, 2016 and January 5, 2017; (e) an affidavit dated February 3, 2017, filed February 9, 2017, and signed by Lucy Burton attesting to notice mailed February 3, 2017; (f) Commission Staff's Final Recommendation, filed May 26, 2017; and (g) a signed consent form, filed April 3, 2017.

### III. JOINT PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval would grant Sherman's Mill's application for a water CCN (No. 13255) in Kerr County.

### IV. CONCLUSION

The parties respectfully request that the Commission grant the motion to admit the evidence specified above and adopt the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

By: Mark H. Zeppa /j  
Mark H. Zeppa  
State Bar No. 22260100  
Law Offices of Mark H. Zeppa, PC  
4833 Spicewood Springs Road #202  
Austin, Texas 78759-8435  
(512) 346-4011, Fax (512) 346-6847

**DOCKET NO. 46381**

### CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the

2nd of June, 2017 in accordance with 16 TAC § 22.74.

Mark H. Zeppa  
Mark H. Zeppa

**PUC DOCKET NO. 46381**

APPLICATION OF SHERMAN'S	§	PUBLIC UTILITY COMMISSION
MILL WATER SUPPLY	§	
CORPORATION TO OBTAIN A	§	
WATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
KERR COUNTY	§	

**JOINT PROPOSED NOTICE OF APPROVAL**

This notice addresses the application of Sherman's Mill Water Supply Corporation (Sherman's Mill) for approval of a water Certificate of Convenience and Necessity (CCN) in Kerr County. Consistent with Staff's recommendation, the application is approved.

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

**I. Findings of Fact**

**Procedural History, Description, and Background**

1. On September 19, 2016, Sherman's Mill filed an application with the Commission to obtain a water CCN in Kerr County.
2. The application reflects the inclusion of approximately thirty-eight (38) acres to provide service to 15 existing customers in a new CCN service area.
3. On September 21, 2016, Order No. 1 was issued, setting an initial deadline of October 19, 2016 for Commission staff to file comments on the administrative completeness of the application.
4. On December 1, 2016, Order No. 4 was issued, finding the application administratively complete, directing Sherman's Mill to provide notice, and establishing deadlines for further processing of the application.

5. On January 24, 2017, Order No. 5 was issued, deeming notice insufficient and establishing additional deadlines.
6. On February 9, 2017, Sherman's Mill filed an Affidavit of Notice to Neighboring Systems pursuant to Order No. 5.
7. On February 15, 2017, Sherman's Mill filed financial information responsive to Staff's request pursuant to Order No. 5.
8. Sherman's Mill filed a consent form on April 3, 2017.
9. On May 26, 2017, Commission Staff filed a final recommendation<sup>1</sup>, recommending that the application be approved.
10. On \_\_\_\_\_, Order No. 7 was issued, admitting evidence into the record.

**Notice**

11. Sherman's Mill provided notice of the application to neighboring systems, landowners, and cities on December 20, 2016, January 5, 2017, and February 3, 2017. Notice was provided by mail to Aqua Texas, Inc., City of Kerrville, Community Water Group WSC, Ingram Oaks Co., Kerr county Water Systems, Mary Meade Water Co., Shalako Estates & Canyon Springs Water Systems, Wiedenfeld Water Works, City of Ingram, Upper Guadalupe River Authority, Headwaters Groundwater Conservation District, Kerr County, and Gillespie County Water Control and Improvement District No. 1. Affidavits dated January 5, 2017 and February 3, 2017 and signed by Lucy Burton attest to this notice.
12. Sherman's Mill provided notice of the application by publication in the *West Kerr Current* on December 15, 2016 and December 22, 2016. A publisher's affidavit dated January 3, 2017 and signed by Clint Schroeder, a representative of the *West Kerr Current*, attests to this notice.

13. On January 9, 2017 and February 9, 2017, Sherman's Mill filed affidavits of notice attesting to the provision of notice of the application by direct mail to neighboring systems, landowners, and cities, and by publication in a newspaper of general circulation in Kerr County.

**Description of the Transaction**

14. Sherman's Mill seeks to obtain a water CCN for the service area containing approximately 48 (forty-eight) acres and 15 (fifteen) existing customers.

**Informal Disposition**

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

**II. Conclusions of Law**

1. Sherman's Mill is a public utility as defined by Texas Water Code § 13.002(23) (TWC) and 16 TAC § 24.3(51) (TAC).
2. The Commission has jurisdiction and authority over this docket pursuant to TWC § 13.254 and 16 TAC §§ 24.115 and 24.102(a)(1).
3. Sherman's Mill has provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The criteria for informal disposition pursuant to 16 TAC § 22.35 have been satisfied in this proceeding.
5. Based on the relevant factors in TWC § 13.246(c), Sherman's Mill has demonstrated that it should be granted certification of the requested area identified in the application.

Sherman's Mill possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested area.

6. Sherman's Mill has demonstrated that issuance of water CCN No. 13255 is necessary for the service, accommodation, convenience, or safety of the public as required under TWC § 13.246(c) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Sherman's Mill 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.

### **III. Ordering Paragraphs**

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

1. Sherman's Mill's application is approved.
2. Sherman's Mill is granted water CCN No. 13255 in Kerr County, consistent with this Notice.
3. Sherman's Mill shall serve every customer and applicant for water service within the areas certificated under its water CCN No. 13255, and such service shall be continuous and adequate.
4. Sherman's Mill shall comply with the recording requirements in TWC § 13.257(r) for the area in Kerr County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.

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 herein, are hereby denied.

**Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

---