



Control Number: 46411 .



Item Number: 17

Addendum StartPage: 0

**DOCKET NO. 46411**

**APPLICATION OF THE CITY OF  
DONNA TO AMEND A CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
AND TO DECERTIFY A PORTION OF  
NORTH ALAMO WATER SUPPLY  
CORPORATION'S CERTIFICATE IN  
HIDALGO COUNTY**

§  
§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

RECEIVED  
JUN 16 PM 1:10  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

North Alamo Water Supply Corporation ("North Alamo") and the City of Donna ("Donna") (collectively hereinafter "Applicants"), and the Staff of the Public Utility Commission of Texas ("Commission Staff"), jointly file this Motion to Admit Evidence and Proposed Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs. This Joint Motion to Admit Evidence and Proposed Notice of Approval are timely filed on June 16, 2017 in response to Order No. 4.

Staff conferred and collaborated with the Applicants on the joint motion and proposed notice of approval, and the Applicants do not object to this filing.

**I. Motion to Admit Evidence**

North Alamo, Donna, and Commission Staff (together "the parties") jointly request to admit the following evidence into the record of this proceeding: (a) Application of the City of Donna to Amend its Water Certificate of Convenience and Necessity (12790) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County, filed with the Commission on September 29, 2016; (b) Donna's March 22, 2017 Supplement to the Application; (c) Commission Staff's Final Recommendation, filed on June 1, 2017; and (d) Consent forms, filed May 30 and May 31, 2017.

**II. Proposed Notice of Approval**

The Proposed Notice of Approval would grant the Application, filed with the Commission on September 29, 2016, as supplemented on March 22, 2017. This docket was processed in accordance with applicable statutes and Commission rules. Notice of the application was not

required. North Alamo, Donna, and Commission Staff are the only parties to this proceeding. No other party filed a request to intervene, filed comments on the application, protested this filing, or requested a hearing in this proceeding.

### **III. Conclusion**

Commission Staff has reviewed the application. The requirements for informal disposition have been met. Therefore, North Alamo, Donna, and Commission Staff respectfully request that the Commission adopt the attached findings of fact, conclusions of law, and ordering paragraphs as well as grant the admittance of the specified evidence.

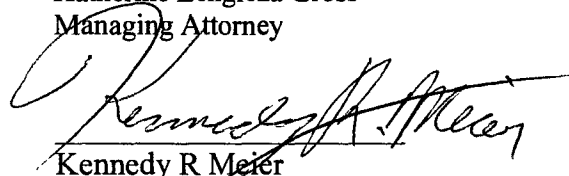
**Dated: June 16, 2017**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

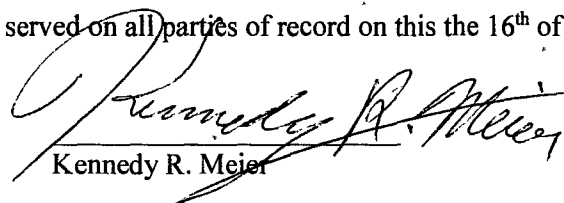


Kennedy R Meier  
State Bar No. 24092819  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7265  
(512) 936-7268 (facsimile)  
[Kennedy.Meier@puc.texas.gov](mailto:Kennedy.Meier@puc.texas.gov)

**DOCKET NO. 46411**

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 16<sup>th</sup> of June, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

**DOCKET NO. 46411**

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DONNA TO AMEND A CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND TO DECERTIFY A PORTION OF</b>	<b>§</b>	
<b>NORTH ALAMO WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION'S CERTIFICATE IN</b>	<b>§</b>	
<b>HIDALGO COUNTY</b>	<b>§</b>	
	<b>§</b>	

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the Application to Amend the City of Donna's (Donna) Water Certificate of Convenience and Necessity (CCN) (12790) and to Decertify a Portion of North Alamo Water Supply Corporation's (North Alamo) Certificate (10553) in Hidalgo County. The Public Utility Commission of Texas (Commission) Staff (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**

**Procedural History**

1. On September 29, 2016, Donna filed an Application to Amend a Certificate of Convenience and Necessity under Water Code Section 13.255 and decertify a portion of North Alamo's Service area.
2. Donna holds water CCN No. 12790 and North Alamo holds water CCN No. 10553.
3. The area to which Donna seeks single certification is entirely within the incorporated boundaries of Donna and is currently certified to North Alamo.
4. The parties have agreed in writing that the area sought may be served by Donna and the Application filed with the Commission included the executed Agreement.
5. On October 4, 2016, the PUC Administrative Law Judge (ALJ) issued Order No. 1 which required Commission Staff to comment on the administrative completeness of the application and proposed notice.
6. On October 28, 2016, Commission Staff filed a response to Order No. 1 recommending that the application be found insufficient for filing.

7. On November 1 2016, Order No. 2 was issued, which revised the procedural schedule to allow Donna to amend its application to cure deficiencies in mapping.
8. On March 1, 2017, Order No. 2 was issued, further revising the procedural schedule to allow Donna to amend its application.
9. On March 22, 2017, Donna amended its application.
10. On April 12 and 13, 2017, Commission Staff filed supplemental recommendations on the sufficiency of the application, recommending that the application be found administratively complete.
11. On April 20, 2017, the PUC Administrative Law Judge issued Order No. 3 deeming the Application administratively complete and establishing new deadlines.
12. On May 30, 2017, Donna filed a consent form consenting to the proposed map of the area subject to this application and certificate.
13. On May 31, 2017, North Alamo filed a consent form consenting to the proposed map of the area subject to this application and certificate.
14. The map and certificate referenced in findings of fact 12 and 13 are attached to this notice.
15. On June 1, 2017, Commission Staff filed a recommendation that the application be approved.
16. On June 5, 2017, Order No. 4 was issued, extending deadlines.
17. On June 16, 2017, the parties filed a Joint Motion to Admit Evidence and Proposed Notice of Approval.
18. On \_\_\_\_\_, Order No. 5 was issued, admitting evidence in this proceeding.

**Applicant's Request**

19. North Alamo and Donna seek approval of an amendment to Donnas' water CCN No. 12790, changing the boundaries of its service area and decertifying a portion of North Alamo's CCN 10553.

**Informal Disposition**

20. At least fifteen (15) days have passed since the completion of all notice requirements.

21. No party is opposed to the application and no hearing is necessary.

## **II. Conclusion of Law**

1. Donna is a municipally owned utility as defined in Section 13.002(13) of the Texas Water Code (TWC).
2. The Commission has jurisdiction over this matter pursuant to TWC §§ 13.041 and 13.255 and 16 Texas Administrative Code §§ 24.103 and 24.120 (TAC).
3. Donna may amend its water CCN pursuant to TWC § 13.255.
4. Notice of the proceeding was provided by publication in the Texas Register on October 14, 2016, consistent with 16 TAC § 22.55.
5. The application was processed in accordance with TWC § 13.255 and 16 TAC § 24.120.
6. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

## **III. Ordering Paragraphs**

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

1. The Application to Amend the City of Donna's Water Certificate of Convenience and Necessity (12790) and to Decertify a Portion of North Alamo Water Supply Corporation's Certificate (10553) in Hidalgo County is approved.
2. 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 hereby denied.

**SIGNED AT AUSTIN, TEXAS on the \_\_\_\_\_ day of \_\_\_\_\_ 2017.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

\_\_\_\_\_  
ADMINISTRATIVE LAW JUDGE