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DOCKET NO. 46411

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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
COMMISSION
OF TEXAS

NOTICE OF APPROVAL

This Notice addresses the application to amend the City of Donna's water certificate of convenience and necessity number 12790 and to decertify a portion of North Alamo Water Supply Corporation's CCN No. 10553 in Hidalgo 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

Procedural History, Description, and Background

1. On September 29, 2016, Donna filed an application to amend its CCN 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. North Alamo and Donna seek approval of an amendment to Donna's water CCN No. 12790, changing the boundaries of its service area and decertify a portion of North Alamo's service area.
5. 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.
6. On October 4, 2016, Order No. 1 was issued, which required Commission Staff to comment on the administrative completeness of the application and proposed notice.

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7. On October 28, 2016, Commission Staff filed a response to Order No. 1, recommending that the application be found insufficient for filing.
8. On March 22, 2017, Donna amended the application.
9. 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.
10. On April 20, 2017, Order No. 3 was issued, deeming the application administratively complete and establishing new deadlines.
11. On May 30, 2017, Donna filed a signed consent form to the final map and certificate.
12. On May 31, 2017, North Alamo filed a signed consent form to the final map and certificate.
13. The map and certificates referenced in findings of fact 11 and 12 are attached to this notice.
14. On June 1, 2017, Commission Staff recommended the application be approved.
15. On June 16, 2017, the parties filed a joint motion to admit evidence and a proposed notice of approval.
16. On June 23, 2017, Order No. 5 was issued, admitting evidence in this proceeding.

Notice

17. Notice of the application was published in the *Texas Register* on October 14, 2016.

Informal Disposition

18. More than 15 days have passed since completion of notice in this docket.
19. The Commission received no protests, motions to intervene, or requests for hearing.

II. Conclusions of Law

1. Donna is a municipally owned water utility as defined in Texas Water Code § 13.002(13).
2. The Commission has jurisdiction and authority over this docket under TWC §§ 13.041, 13.241, and 13.255, and 16 Texas Administrative Code § 24.101-.102 (TAC).

3. Donna provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. Donna has demonstrated that the application meets the requirements set forth in TWC §§ 13.241, 13.244, 13.246, and 13.255, and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its certificate.
5. Donna demonstrated that an amendment to its water certificate of convenience and necessity number 12790 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).
6. Under TWC § 13.257(r), Donna and North Alamo are 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.
7. The requirements for informal disposition under 16 TAC § 22.35 have been satisfied 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, as amended and supplemented, is approved.
2. Donna's water certificate of convenience and necessity number 12790 is amended consistent with this Notice.
3. North Alamo's water certificate of convenience and necessity number 10553 is amended consistent with this Notice.
4. Donna shall serve every customer and applicant within the areas certificated under its water certificate of convenience and necessity number 12790 and such service shall be continuous and adequate.
5. North Alamo shall serve every customer and applicant within the areas certificated under its water certificate of convenience and necessity number 10553 and such service shall be continuous and adequate.

6. Donna and North Alamo shall comply with the recording requirements in TWC § 13.257(r) for the area in Hidalgo County affected by this proceeding and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. 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 the 27th day of June 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE

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City of Donna
Portion of Water CCN No. 12790
PUC Docket No. 46411
Amended CCN No. 12790 and
Decertified a Portion of North Alamo WSC, CCN No. 10553 in Hidalgo County



Water CCN



12790 - City of Donna



10553 - North Alamo WSC

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Feet





Public Utility Commission of Texas

By These Presents Be It Known To All That City of Donna

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 City of Donna is entitled to this

Certificate of Convenience and Necessity No. 12790

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46411 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 City of Donna, 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, this 27th day of JUNE 2017.



Public Utility Commission of Texas

By These Presents Be It Known To All That

North Alamo 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, North Alamo Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10553

to provide continuous and adequate water utility service to that service area or those service areas in Cameron, Hidalgo, Kennedy and Willacy Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46411 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 North Alamo 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, this 27th day of JUNE 2017.