



Control Number: 46472



Item Number: 26

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APPLICATION OF M J WOOTAN §
(ESTATE) AND DEER COUNTRY §
WATER SUPPLY CORPORATION §
FOR SALE, TRANSFER, OR MERGER §
OF FACILITIES AND CERTIFICATE §
RIGHTS IN LLANO COUNTY §

PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILED CLERK

JOINT MOTION TO ADMIT EVIDENCE

Staff of the Public Utility Commission of Texas ("Staff"); the Estate of M J Wootan ("the Estate") and Deer Country Water Supply Corporation ("Deer Country WSC") (the Estate and Deer Country WS collectively referred to as "parties") hereby file this Joint Motion to Admit Evidence of the application for the sale, transfer or merger of facilities and certificate of convenience and necessity rights in Llano County, pursuant to Tex. Water Code Ann. §§ 13.246 and 13.301 and 16 Tex. Admin Code §§ 24.109 and 24.112. Through this application, the parties seek to transfer all of the certificated water service area and the facilities held by the Estate in Llano County to Deer Country WSC and to amend the Estate's water CCN. No. 12465 to reflect the transaction. This Joint Motion to Admit Evidence includes the proposed Notice of Approval and related findings of fact, conclusions of law and ordering paragraphs. The Joint Motion and related Notice of Approval are timely filed on or before June 29, 2017 in response to Order No. 6.

A. Request to Admit Evidence

Staff and parties request that the following evidence be admitted into the record of this proceeding:

- (a) Application of the Estate and Deer Country WSC and all attachments thereto, filed October 25, 2016;
- (b) Supplemental information filed January 9 and 11, 2017;
- (c) Commission Staff's Recommendation, filed February 16, 2017;
- (d) Consent forms, filed June 9, 2017; and
- (e) Certificate and map, attached.

B. Notice of Approval

The attached Notice of Approval would grant the Estate and Deer Country WSC's application for approval of sale and transfer of all facilities and certificated water service area under water CCN. No. 12465 to Deer Country WSC.

He

C. Conclusion

Staff has reviewed the Application and recommends its approval. Staff and parties respectfully request that the Commission adopt the attached Notice of Approval and findings of fact and conclusions of law.

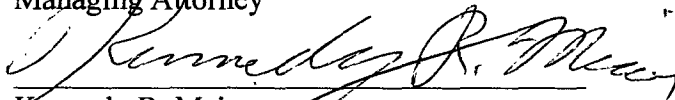
Date: June 29, 2017.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

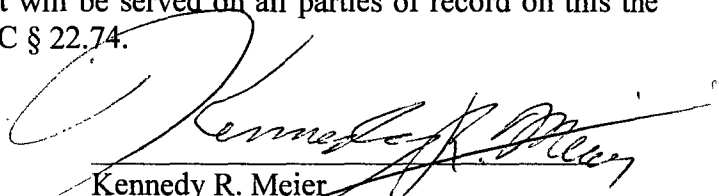


Kennedy R. Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
512-936-7265
512-936-7268 (facsimile)

DOCKET NO. 46472

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 29th of June, 2017, in accordance with 16 TAC § 22.74.



Kennedy R. Meier

DOCKET NO. 46472

APPLICATION OF M J WOOTAN	§	PUBLIC UTILITY COMMISSION
(ESTATE) AND DEER COUNTRY	§	
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER, OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN LLANO COUNTY	§	

NOTICE OF APPROVAL

This Notice addresses the application of the Estate of M J Wootan ("the Estate") and Deer Country Water Supply Corporation ("Deer Country WSC") for the sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Llano County. Public Utility Commission of Texas ("Commission") staff recommended approval of the application. The application is approved.

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

A. Findings of Fact

1. Deer Country WSC is a non-profit, member owned, member-controlled Cooperative Corporation
2. The Estate, which holds water CCN No. 12465, is an individual.
3. The application filed with the Commission on October 25, 2016, requested the sale, transfer or merger of facilities and of certificated water service area in Llano County from The Estate to Deer Country WSC. The application also requested that the Estate's water CCN. No. 12465 be transferred to Deer Country WSC.
4. On October 27, 2016, Order No. 1 was issued, requiring Commission Staff to file comments on the administrative completeness of the application.
5. On November 10, 2016, Order No. 2 was issued, approving Commission Staff's request for a deadline extension.
6. On November 22, 2016, Order No. 3 was issued finding the application complete, directing the Estate and Deer Country WSC to provide notice, and establishing a procedural schedule.
7. On December 8, 2016, Deer Country WSC filed an affidavit of notice to current customers, neighboring utilities and affected parties.

8. On December 15, 2016, Deer Country WSC filed a copy of notice provided to current customers, neighboring systems and cities.
9. On January 9 and 11, 2017, supplemental information was filed.
10. On January 24, 2017, Order No. 4 was issued deeming notice sufficient and establishing deadlines for remainder of proceeding.
11. The Commission received no letters in protest or opposition to the application.
12. A public hearing on the merits was unnecessary.
13. On February 16, 2017, Commission Staff filed a recommendation that the transaction be permitted to proceed.
14. On March 13, 2017, Order No. 5 was issued, directing the Estate and Deer Country WSC to proceed with the transaction and to provide final documentation of the closing of the transaction.
15. On May 5, 2017, Deer Country WSC filed a copy of the Settlement Statement and that it had acquired the system from the Estate.
16. On May 10, 2017, Commission Staff filed its recommendation that the sale documents be approved.
17. On May 11, 2017, Order No. 6 was issued, approving the sale documents and established deadlines for the remainder of the proceedings.
18. On June 9, 2017, the Estate and Deer Country WSC filed signed documents consenting to the map and the certificate and to the transferring of the CCN No. 12465 as prepared by Commission Staff.
19. The map and certificate described above are attached to this Notice.
20. On June ___, 2017, the parties filed a Joint Proposed Notice of Approval and Motion to Admit Evidence.
21. On _____, 2017, Order No. ___ was issued, admitting evidence into this proceeding.
22. On November 11, 2016, notice of the application was published in the Texas Register.
23. Mailed notice was provided to neighboring systems, landowners, cities, and affected parties on December 5, 2016.
24. More than 15 days have passed since completion of the notice provided in this docket.

25. No issues of fact or law or disputed by any party.
26. The criteria for informal disposition pursuant to 16 TAC § 22.35 have been satisfied in this proceeding.

B. Conclusions of Law

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code §§ 13.041, 13.241, 13.244, 13.246, 13.254 and 13.301.
2. Deer Country WSC is a retail public utility as defined in Tex. Water Code § 13.002 and 16 Tex. Admin. Code § 24.3(58) (TAC).
3. Public Notice of the application was provided as required by Tex. Water Code § 13.301 and 16 TAC §§ 24.109 and 24.112.
4. The application was processed in accordance with the requirements of Tex. Water Code § 13.301 and 16 TAC §§ 24.109 and 24.112.
5. The Estate and Deer Country WSC completed the sale within one year from the date of receiving Commission approval of the sale, consistent with 16 TAC § 24.112(e).
6. After considering the factors in Tex. Water Code § 13.246(c), Deer Country WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.
7. The Estate and Deer Country WSC have demonstrated that the sale and transfer of the certificated area and facilities and amendment of the CCN requested in this application are necessary for the service, accommodation, convenience and safety of the public.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

C. Ordering Paragraphs

In accordance with these findings of fact and conclusion of law, the Commission issues the following Orders:

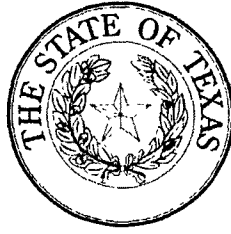
1. The application is approved and all of the certificated water service area and a portion of the facilities owned by the Estate in Llano County under the Estate's CCN No. 12465 are transferred to Deer Country WSC. The Estate's CCN No. 12465 is transferred to Deer Country WSC.

2. Deer Country WSC will serve every customer and applicant for service within the area previously served by the Estate under CCN No. 12465, and such service will be continuous and adequate.
3. All other pending 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

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**



Public Utility Commission of Texas

By These Presents Be It Known To All That

Deer Country Water Supply Corporation

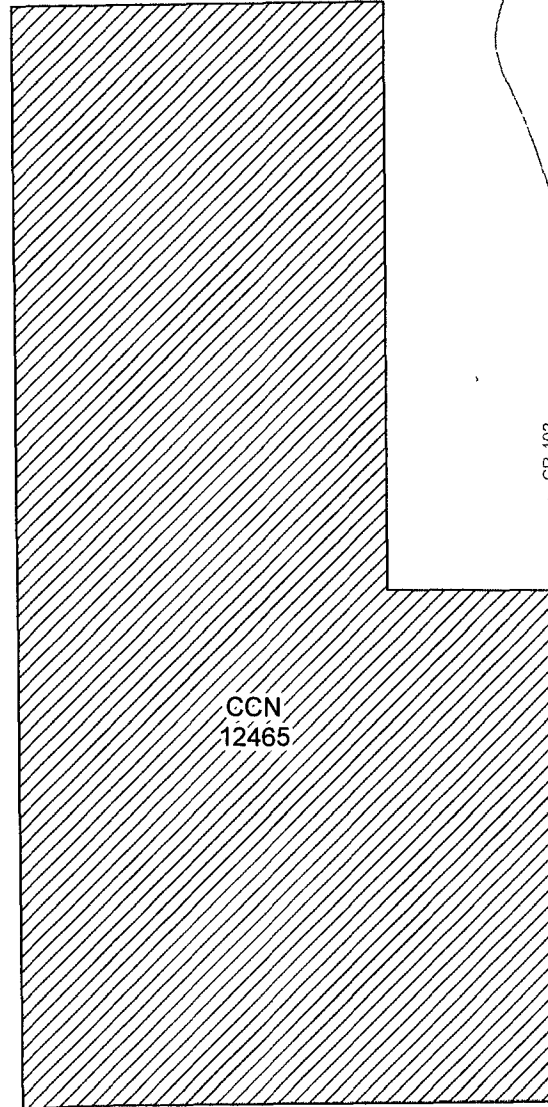
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Deer Country Water Supply Corporation is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 12465

to provide continuous and adequate water utility service to that service area or those service areas in Llano County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46472 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 Deer Country 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 _____ day of _____ 2017.

MJ Wootan
Water CCN No. 12465
PUC Docket No. 46472
Transferred all of Deer Country WSC, CCN No. 12465 in Llano County



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

Water CCN



12465 - MJ Wootan

0 500 1,000
Feet



Map by: Komal Patel
Date created: June 5, 2017
Project Path: n:\finalmapping\46472MJWootan.mxd