



Control Number: 46644



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PUBLIC UTILITY COMMISSION
OF TEXAS
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APPLICATION OF LANNIUS §
MUNICIPAL UTILITY DISTRICT §
A/K/A LANNIUS WATER SUPPLY §
CORPORATION AND BOIS D'ARC §
MUNICIPAL UTILITY DISTRICT §
FOR SALE, TRANSFER, OR MERGER §
OF FACILITIES AND CERTIFICATE §
RIGHTS IN FANNIN COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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

COMES NOW Bois D'Arc Municipal Utility District ("Bois D'Arc") and Staff ("Staff") of the Public Utility Commission of Texas (the "Commission") (collectively, the "Parties"), and files this Joint Motion to Admit Evidence and Joint Proposed Notice of Approval. Bois D'Arc has provided a copy of this pleading to Lannius Municipal Utility District a/k/a Lannius Water Supply Corporation ("Lannius") for review, but Lannius has not responded as of the time of filing. In support thereof, the Parties show the following:

I. BACKGROUND

On December 7, 2016, Lannius and Bois D'Arc (collectively, the "Applicants") filed an application for the sale, transfer, or merger of facilities in Fannin County, Texas (the "Application"). The Application covers an area of approximately 420 acres and 112 current customers. The proposed service area is located approximately 1.3 miles east/northeast of Dodd City, Texas. The Application requests the transfer of all of Lannius' water system under water certificate of convenience and necessity ("CCN") No. 11163 to Bois D'Arc and the amendment of Bois D'Arc's water CCN No. 11753.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into record of this proceeding:

- (a) the Application, Item No. 1 filed on December 7, 2016;
- (b) the affidavit of notice to customers of Lannius dated January 13, 2017, Item No. 7 filed on January 25, 2017;
- (c) the affidavit of notice to all neighboring systems, cities, utilities, and affected parties dated January 13, 2017, Item No. 8 filed on January 25, 2017;

- (d) the Applicants' supplemental information to the Application, Item No. 11 filed on February 16, 2017;
 - (e) Staff's Recommendation on Sale, Item No. 12 filed on March 15, 2017;
 - (f) Applicants' Supplement to Commission Staff's Recommendation, Item No. 14 filed on March 17, 2017;
 - (g) Commission Staff's Recommendation on Closing Documents, Item No. 15 filed on March 23, 2017;
- and
- (h) signed consent forms (filed April 21, 2017 and May 2, 2017), map (attached), and certificates (attached).

III. PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval grants the Applicants' Application for the transfer and acquisition of Lannius' water system and CCN No. 11163 to Bois D'Arc's water CCN No. 11753 in Fannin County, Texas.

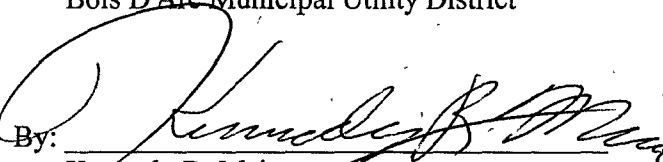
IV. CONCLUSION

The Parties respectfully request that the Commission approve the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

By: 

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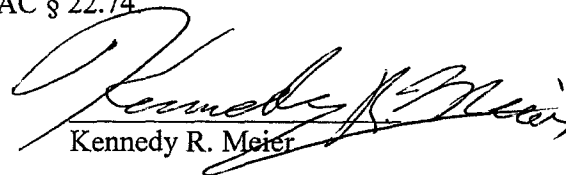
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DOCKET NO. 46644

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 11th of May, 2017 in accordance with 16 TAC § 22.74


Kennedy R. Meier

DOCKET NO. 46644

APPLICATION OF LANNIUS	§	PUBLIC UTILITY COMMISSION
MUNICIPAL UTILITY DISTRICT	§	
A/K/A LANNIUS WATER SUPPLY	§	OF TEXAS
CORPORATION AND BOIS D'ARC	§	
MUNICIPAL UTILITY DISTRICT	§	
FOR SALE, TRANSFER, OR MERGER	§	
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN FANNIN COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Lannius Municipal Utility District a/k/a Lannius Water Supply Corporation ("Lannius") and Bois D'Arc Municipal Utility District ("Bois D'Arc") (collectively, the "Applicants") for approval of the acquisition and transfer of all of Lannius' water certificate of convenience and necessity ("CCN") to Bois D'Arc and amendment of Bois D'Arc's water CCN in Fannin County (the "Application"). The staff ("Staff") of the Public Utility Commission of Texas (the "Commission") 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

A. Procedural History

1. On December 7, 2016, Applicants filed the Application to acquire and transfer all of Lannius' water system under water certificate of convenience and necessity ("CCN") No. 11163 to Bois D'Arc and the amendment of Bois D'Arc's water CCN No. 11753.
2. The Application covers an area of approximately 420 acres and 112 current customers.
3. On December 8, 2016, Order No. 1 was issued, establishing a deadline for Staff to file a recommendation regarding the administrative completeness of the application and a proposed procedural schedule.
4. On January 6, 2017, Staff recommended the Application be deemed administratively complete and proposed a procedural schedule.

5. On January 9, 2017, Order No. 2 was issued, finding the Application complete and accepted, requiring notice, and establishing the procedural schedule for continued processing.

6. On January 30, 2017, Staff recommended the notice to be found sufficient and proposed a procedural schedule.

7. On January 31, 2017, Order No. 3 was issued, finding notice sufficient and establishing the procedural schedule for the remainder of the proceeding.

8. On February 16, 2017, Applicants submitted supplemental information of the latest Texas Commission on Environmental Quality (the "TCEQ") Inspection letter dated August 28, 2015, Attachment 5 to the Application.

9. On March 15, 2017, Staff recommended Applicants be allowed to proceed with the proposed transaction.

10. On March 16, 2017, Order No. 4 was issued, approving Staff's recommendation that the transaction proposed in the Application proceed, requiring the filing of proof of the consummation of the transaction and proper disposition of customer deposits within 180 days, requiring Applicants to file monthly updates regarding the status of efforts to complete the transaction and submit documents evidencing the consummation of the transaction and proper disposition of customer deposits, and requiring Staff to file a recommendation regarding the sufficiency of the documents and propose a schedule for the continued processing of this docket within 15 days following Applicants' proof that transaction had been consummated and customer deposits (if any) had been addressed.

11. On March 17, 2017, Applicants filed a supplement to Staff's Recommendation to include additional background information.

12. On March 23, 2017, Staff recommended the information from Applicants' supplement filed on March 17, 2017, combined with information from the Application, be found sufficient to show the transaction had closed and the transfer of the CCN should be finalized.

13. On March 23, 2017, Order No. 5 was issued, finding the transaction closing documents sufficient and establishing a procedural schedule.

B. Notice

14. Applicants mailed notice of the Application to all Lannius customers on January 13, 2017.

15. The affidavit that customers received notice was dated January 13, 2017, and was filed with the Commission on January 25, 2017.

16. Applicants mailed notice of the Application to all neighboring systems, cities, utilities, and affected parties on January 13, 2017.

17. The affidavit that all neighboring systems, cities, utilities, and affected parties received notice was dated January 13, 2017, and was filed with the Commission on January 25, 2017.

C. Informal Disposition

18. More than 15 days have passed since the completion of the notice provided in this docket.

19. There were no protests or hearing requests filed in response to the public notices. No issues of fact or law are disputed by any party. Applicants and Staff are the only parties to the proceeding.

20. The Commission finds that no hearing is necessary.

21. The following items have been admitted into evidence: (a) the Application, Item No. 1 filed on December 7, 2016; (b) the affidavit of notice to customers of Lannius dated January 13, 2017, Item No. 7 filed on January 25, 2017; (c) the affidavit of notice to all neighboring systems, cities, utilities, and affected parties dated January 13, 2017, Item No. 8 filed on January 25, 2017; (d) the Applicants' supplemental information to the Application, Item No. 11 filed on February 16, 2017; (e) Staff's Recommendation on Sale, Item No. 12 filed on March 15, 2017; (f) Applicants' Supplement to the Commission Staff's Recommendation, Item No. 14 filed on March 17, 2017; (g) Commission Staff's Recommendation on Closing Documents, Item No. 15 filed on March 23, 2017; and (h) signed consent forms, filed April 21, 2017 and May 2, 2017, map, and certificates.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Texas Administrative Code (TAC) §§ 24.101 - .107.

2. Lannius is a retail public utility, as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).

3. Bois D'Arc is a retail public utility, as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).

4. Applicants have provided notice of the Application in compliance with TWC § 13.246 and with 16 TAC 24.106.

5. After considering the relevant factors in TWC § 13.246(c), Bois D'Arc has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.

6. Applicants have demonstrated that the Application meets the requirements set forth in TWC §§ 13.242 - .250 and in 16 TAC §§ 24.101 - .102 to be granted transfer and amendment to Bois D'Arc's CCN.

7. Applicants have demonstrated that amendment of Bois D'Arc's CCN is necessary for the service, accommodation, convenience, and safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).

8. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Applicants are 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 pursuant to 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 order:

1. The Application is approved.

2. Consistent with the map, Bois D'Arc's CCN No. 11753 is hereby amended.

3. Bois D'Arc shall serve every customer and applicant for water service within the approved area that request water service and meet the terms of Bois D'Arc's regulations to receive water service and such service shall be continuous and adequate.

4. Bois D'Arc shall comply with the recording requirements of TWC § 13.257(r) for the area in Fannin 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 and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS on the ____ day of _____, 2017.

PUBLIC UTILITY COMMISSION OF TEXAS
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

Bois D' Arc Municipal Utility District

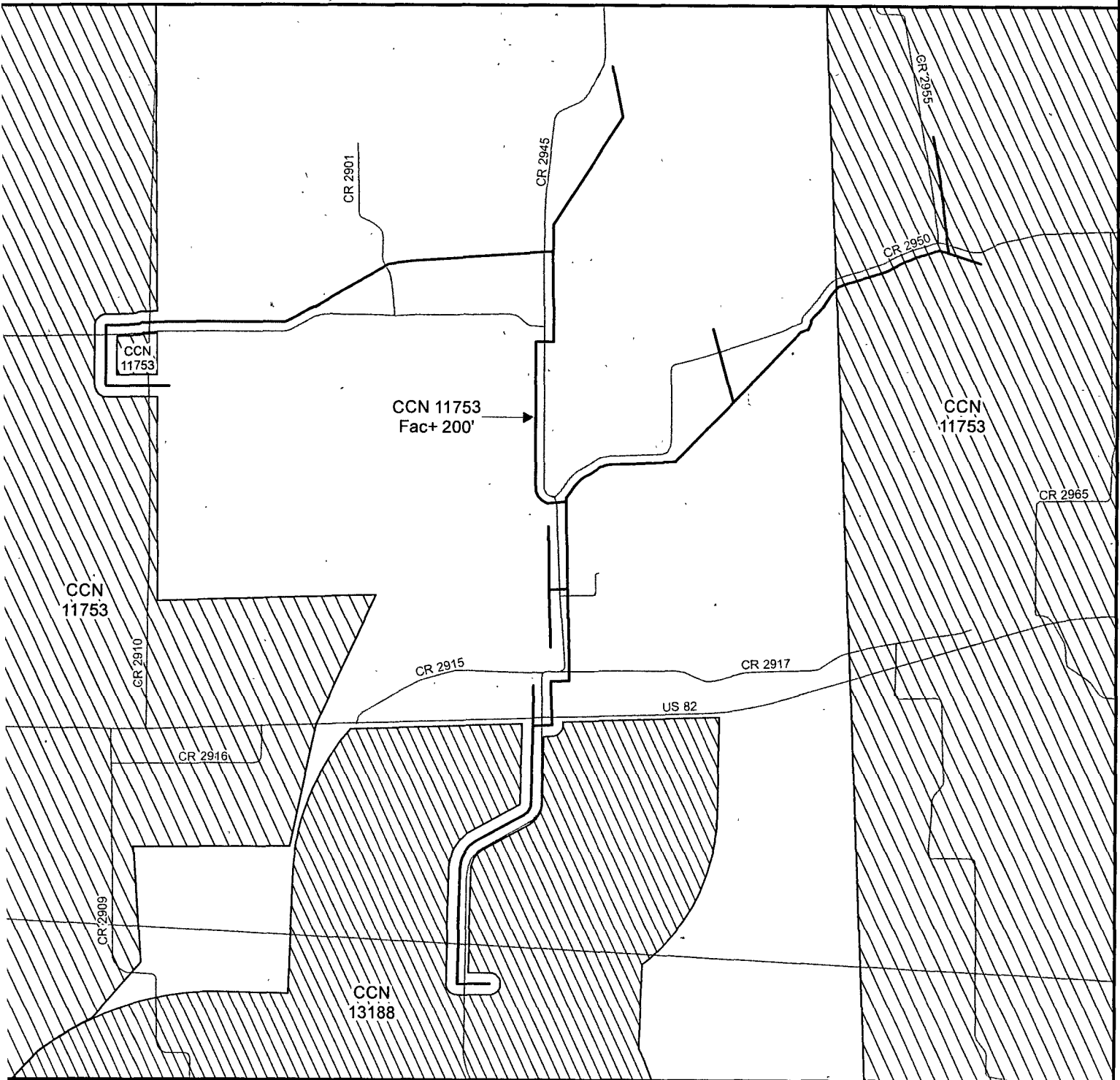
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Bois D' Arc Municipal Utility District, is entitled to this

Certificate of Convenience and Necessity No. 11753

to provide continuous and adequate water utility service to that service area or those service areas in Fannin and Lamar Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46644 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 Bois D' Arc Municipal Utility District, 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 obtain 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 _____ day of _____ 2017.



Bois D' Arc MUD
 Portion of Water CCN No. 11753
 PUC Docket No. 46644
 Transferred all of Lannius WSC, CCN No. 11163 in Fannin County



Water Facility CCN

—— 11753 - Bois D' Arc MUD
 - Facilities + 200'

Water CCN

 11753 - Bois D' Arc MUD
 13188 - City of Dodd City

