



Control Number: 46808



Item Number: 25

Addendum StartPage: 0

DOCKET NO. 46808

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2017 OCT 27 AM 10:06

APPLICATION OF CITY OF FORT  
WORTH TO AMEND A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY AND TO  
DECERTIFY A PORTION OF  
JOHNSON COUNTY SPECIAL  
UTILITY DISTRICT'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN TARRANT COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

FILED IN  
FILING CLERK

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

COME NOW the City of Fort Worth 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. 7 and would show the following:

#### I. BACKGROUND

On January 27 2017, the City of Fort Worth (Fort Worth) filed an application with the Public Utility Commission of Texas (Commission) to amend its water certificate of convenience and necessity (CCN) No. 12311 and to decertify a portion of Johnson County Special Utility District's CCN No. 10081 in Tarrant County, Texas. Fort Worth seeks the amendment to provide water utility service to approximately 84 acres of land.

On October 13, 2017, Order No. 7 was issued, establishing a deadline of October 27, 2017 for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely filed.

#### II. MOTION TO ADMIT EVIDENCE

The parties move to admit the following evidence into the record of this proceeding: (a) Fort Worth's January 27, 2017 application, as amended and supplemented on April 25, 2017 and May 18, 2017; (b) a publisher's affidavit dated June 22, 2017 attesting to the provision of notice of the application by publication in the *Star-Telegram* on June 15, 2017 and June 22, 2017 signed by Leticia Arriaga, a representative of the *Star-Telegram*; (c) an affidavit dated June 14, 2017 and signed by Kara Shuror attesting that notice of the application was provided to neighboring systems, landowners, and cities by mail on June 12, 2017; (d) Fort Worth's

response to Staff's Request for Information 1-1 attested to under oath by Christa Lopez-Reynolds dated August 30, 2017, filed August 31, 2017; (e) Commission Staff's Final Recommendation, filed October 20, 2017; and (f) signed consent forms (filed October 17, 2017 and amended October 18, 2017), CCN service area map (Attachment A), and CCNs (Attachment B).

### **III. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would grant Fort Worth's application to amend its water CCN No. 12311 in Tarrant County, and decertify a portion of Johnson County Special Utility District's (JCSUD) water CCN No. 10081 consistent with the agreement between JCSUD and Crowley 96, LLC that was included with the application.

### **IV. CONCLUSION**

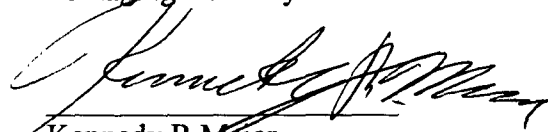
The parties respectfully request that the Commission grant the motion to admit the evidence specified above and adopt the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

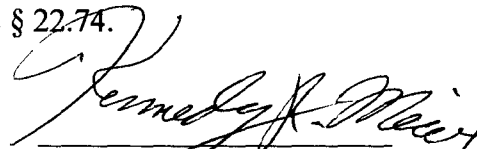


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**DOCKET NO. 46808**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 27<sup>th</sup> of October, 2017 in accordance with 16 TAC § 22.74.

  
Kennedy R. Meier

**DOCKET NO. 46808**

<b>APPLICATION OF CITY OF FORT</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WORTH TO AMEND A WATER</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY AND TO</b>	<b>§</b>	
<b>DECERTIFY A PORTION OF</b>	<b>§</b>	
<b>JOHNSON COUNTY SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN TARRANT COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Proposed Notice of Approval addresses the application of the City of Fort Worth (Fort Worth) for approval of an amendment to its water Certificate of Convenience and Necessity (CCN) No. 12311 and to decertify a portion of Johnson County Special Utility District's CCN No. 10081 in Tarrant County, Texas. Commission Staff recommended approval of the application. Consistent with Commission 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 January 27, 2017, Fort Worth filed an application with the Commission to amend its water CCN No. 12311 and to decertify a portion of Johnson County Special Utility District's (JCSUD) CCN No. 10081 in Tarrant County, Texas. .
2. The requested amendment reflects the addition of approximately 84 acres to provide water service.
3. Order No. 1, issued January 31, 2017 set an initial deadline of February 24, 2017 for Commission Staff to file comments on the administrative completeness of the application.
4. Order No. 2, issued February 27, 2017, found the application administratively incomplete, and directed Fort Worth to amend its application to cure deficiencies noted by Commission Staff and restyled the application.
5. On April 25, 2017, Fort Worth filed an amended application with the Commission to cure deficiencies.

6. Order No. 3, issued April 27, 2017, granted the Commission Staff request for an extension to review Fort Worth's amended application.
7. On May 18, 2017, Fort Worth amended its application again by providing large scale maps to Commission Staff at its request.
8. Order No. 4, issued May 30, 2017, found the application administratively complete, directed Fort Worth to provide notice, and established deadlines for further processing of the application.
9. On July 14, 2017, Commission Staff filed its first Request for Information to Fort Worth to provide a letter from TCEQ of its approval for the plans and specifications of the facilities to serve the proposed area for the requested CCN amendment.
10. On July 28, 2017, Fort Worth filed an affidavit attesting to the provision of notice of the application by publication in a newspaper of general circulation in Tarrant County. Fort Worth provided this notice by publication in the *Star-Telegram* on June 15, 2017 and June 22, 2017. A publisher's affidavit dated June 22, 2017 and signed by Leticia Arriaga, a representative of the *Star-Telegram*, attests to this notice.
11. Fort Worth provided notice of the application to neighboring systems, landowners, and cities on June 12, 2017. Notice was provided by mail to the City of Crowley; Tarrant Regional Water District; Aqua Texas, Inc.; City of Burleson; Johnson County Special Utility District; Northern Trinity Groundwater Control District; Trinity River Authority; and the Tarrant County Clerk. An affidavit dated June 14, 2017 and signed by Kara Shuror attests to this notice.
12. Order No. 5, issued August 4, 2017, granted Fort Worth's request for extension to obtain an approval letter from the TCEQ for the plans and specifications of the facilities necessary to serve the area proposed to be included in the amended area.
13. Order No. 6, issued August 8, 2017, found the notices sufficient and established a procedural schedule for the remainder of the docket, including a deadline for intervention.
14. On August 31, 2017, Fort Worth filed its response (plans and specifications letter) to Commission Staff's First Request for Information.
15. Order No. 7 issued October 13, 2017, granted an extension to the parties to file a final recommendation and joint proposed findings of fact and conclusions of law.

16. On October 17 and 18, 2017, Fort Worth filed a form consenting to the CCN service area maps and CCNs transmitted by Commission Staff, as well as a form signed by Terry Kelley, General Manager of JCSUD, consenting to the same. A copy of the water CCN service area maps and CCN are attached to this Notice of Approval.
17. On October 20, 2017 Commission Staff filed a Final Recommendation, recommending that the application be approved.

**Evidence**

18. On \_\_\_\_\_, 2017, Fort Worth and Commission Staff jointly filed a request to admit the following into evidence: (a) Fort Worth's January 27, 2017 application, as amended and supplemented on April 25, 2017 and May 18, 2017; (b) a publisher's affidavit dated June 22, 2017 attesting to the provision of notice of the application by publication in the *Star-Telegram* on June 15, 2017 and June 22, 2017 signed by Leticia Arriaga, a representative of the *Star-Telegram*; (c) an affidavit dated June 14, 2017 and signed by Kara Shuror attesting that notice of the application was sent to neighboring systems, landowners, and cities by mail on June 12, 2017; (d) Fort Worth's response to Staff's Request for Information 1-1 attested to under oath by Christa Lopez-Reynolds dated August 30, 2017, filed August 31, 2017; (e) Commission Staff's Final Recommendation, filed October 20, 2017; and (f) signed consent forms (filed October 17, 2017 and amended October 18, 2017), CCN service area map (Attachment A), and CCN (Attachment B).
19. On \_\_\_\_\_, 2017, Order No. \_\_\_ was issued, admitting evidence into the record.

**Description of the Transaction**

20. No change in the certificated name for water CCN No. 12311 is requested as part of this transaction.
21. Fort Worth's requested amendment to water CCN No. 12311 is reasonable, consistent with the public interest, and should be approved.
22. Fort Worth has the financial, managerial, and technical resources to provide continuous and adequate service to the requested service area.
23. A portion of JCSUD's water CCN No. 10081 would be decertified, consistent with an agreement between JCSUD and Crowley 96, LLC included with the application.

**Informal Disposition**

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

25. No protest was filed. As a result, Commission Staff and Fort Worth are the only parties to this proceeding.
26. The criteria for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 (TAC) have been satisfied in this proceeding.
27. Consistent with Commission Staff's recommendation, the application is reasonable, consistent with the public interest, and should be approved.

## **II. CONCLUSIONS OF LAW**

1. Fort Worth is a municipal corporation and home-rule city, principally located in Tarrant County, Texas. Fort Worth is also a retail public utility as defined by TWC § 13.002(19) and 16 TAC § 24.3(59).
2. The Commission has jurisdiction and authority over this docket pursuant to TWC §§ 13.041, 13.241, 13.244, 13.246, and 13.254 and 16 TAC §§ 24.101, 24.102, and 24.113.
3. Fort Worth has provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. Fort Worth has demonstrated that the application, as amended, meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its water CCN.
5. After considering the factors in TWC § 13.246(c), Fort Worth has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241.
6. Approval of the certificate amendment and partial certificate decertification requested in the application are necessary for the service, accommodation, convenience, or safety of the public, as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. The application was processed in accordance with TWC § 13.254 and 16 TAC § 24.113.
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), Fort Worth 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.
9. The requirements for informal disposition in 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 orders:

1. Consistent with Commission Staff's recommendation and this Notice, Fort Worth's application, as amended, is approved.
2. Fort Worth's water CCN No. 12311 is amended consistent with this Notice.
3. JCSUD's water CCN No. 10081 is amended consistent with this Notice.
4. Fort Worth shall serve every customer and applicant for service within the areas certificated under its water CCN No. 12311, and such service shall be continuous and adequate.
5. Fort Worth shall comply with the recording requirements in TWC § 13.257(r) for the area in Tarrant County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
6. 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.

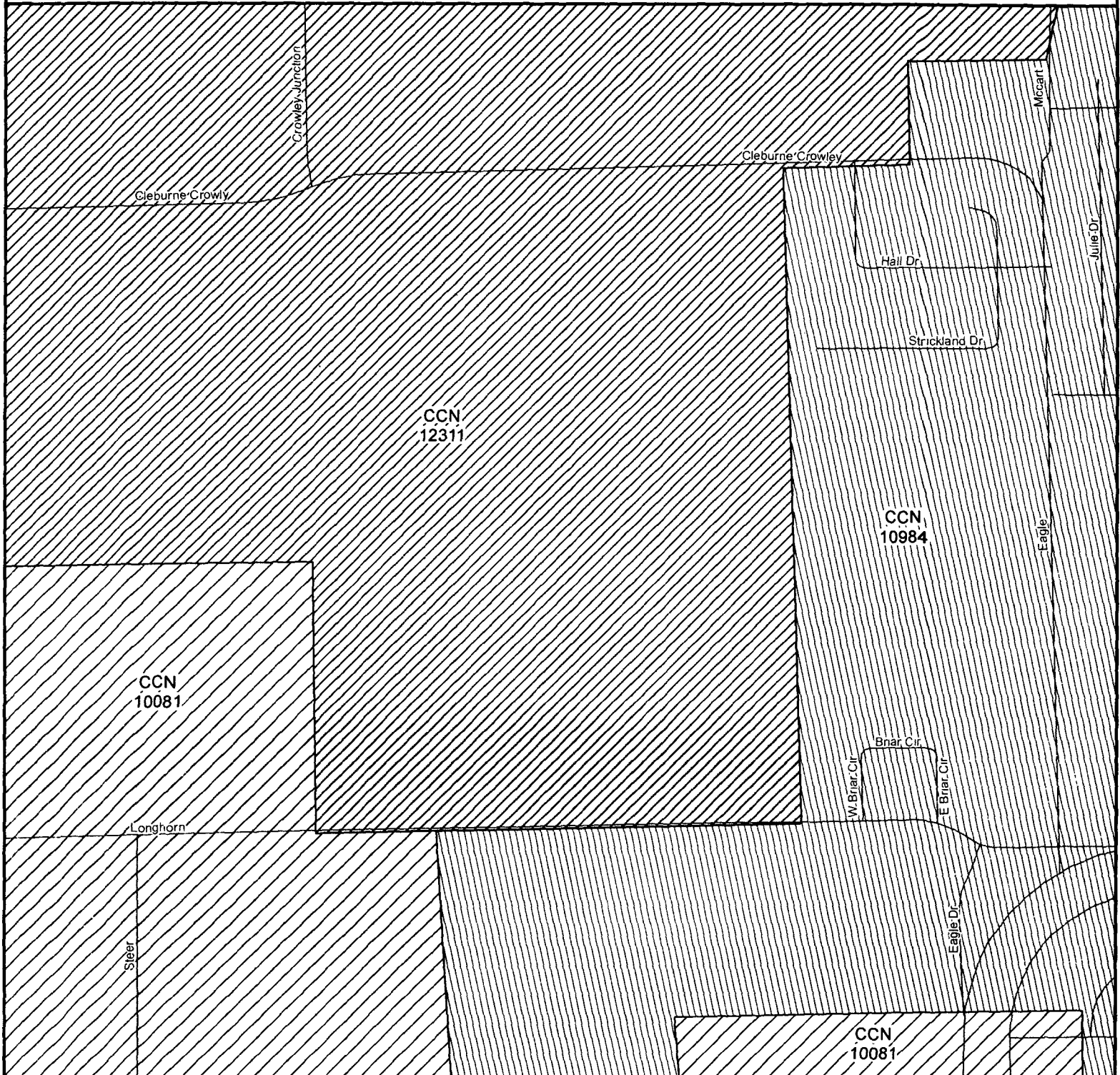
**SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of \_\_\_\_\_ 2017.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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# ATTACHMENT A

City of Fort Worth  
Portion of Water CCN No. 12311  
PUC Docket No. 46808  
Transferred a Portion of Johnson County SUD, CCN No. 10081 in Tarrant County



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

**Water CCN**

-  12311 - City of Fort Worth
-  10081 - Johnson County SUD
-  10984 - City of Crowley

0 250 500  
Feet



Map by: Komal Patel  
Date created: August 31, 2017  
Project Path: n:\finalmapping\46808CityofFortWorth.mxd

# ATTACHMENT B



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**City of Fort Worth**

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 Fort Worth is entitled to this

## **Certificate of Convenience and Necessity No. 12311**

to provide continuous and adequate water utility service to that service area or those service areas in Denton, Parker, Tarrant, and Wise Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46808 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 City of Fort Worth 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.



# **Public Utility Commission of Texas**

## **By These Presents Be It Known To All That Johnson County Special 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 by Johnson County Special Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 10081**

to provide continuous and adequate water utility service to that service area or those service areas in Ellis, Hill, Johnson, and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46808 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 Johnson County Special 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 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 \_\_\_\_\_ day of \_\_\_\_\_ 2017.