

Control Number: 46808



Item Number: 27

Addendum StartPage: 0

APPLICATION OF THE 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 § § § § § § § §

PUBLIC UTILITY COMMISSION OF TEXAS COMMISSION PH 3: 37

NOTICE OF APPROVAL

This Notice addresses the application of the City of Fort Worth to amend its water certificate of convenience and necessity (CCN) and to decertify a portion of Johnson County Special Utility District's CCN in Tarrant County. Commission Staff recommended approval of the application, as amended. The application, as amended, is approved.

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

I. Findings of Fact

Procedural History

- 1. On January 27, 2017, Fort Worth filed an application to amend its water CCN No. 12311 and to decertify a portion of Johnson County SUD's CCN No. 10081 in Tarrant County. Fort Worth amended the application on April 25, 2017, and May 18, 2017.
2. Fort Worth seeks to add approximately 84 acres, with zero current customers, to its water service area from Johnson County SUD.
3. The application includes a resolution from Johnson County SUD agreeing to the transfer of the 84-acre tract to Fort Worth.
4. On May 30, 2017, Order No. 4 was issued, finding the application administratively complete, directing Fort Worth to provide notice, and establishing a procedural schedule for further processing.
5. On July 14, 2017, Commission Staff filed its first request for information (RFI) to Fort Worth to provide a letter from the Texas Commission on Environmental Quality (TCEQ)

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of its approval for the plans and specifications of the facilities to serve the proposed area for this application.

6. On August 31, 2017, Fort Worth filed the TCEQ plans and specifications letter in response to Commission Staff's First RFI.
7. On August 8, 2017, Order No. 6 was issued, finding the notice provided by Fort Worth to be sufficient and establishing a procedural schedule for the remainder of this proceeding.
8. On October 17, 2017, and October 18, 2017, Fort Worth filed signed consent forms on behalf of the city and Johnson County SUD, to the revised map and certificates, as prepared by Commission Staff.
9. On October 20, 2017, Commission Staff recommended approval of Fort Worth's application and provided a copy of the revised map and certificates.
10. The revised map and certificates discussed in Finding of Fact No. 8 are attached to this Notice.
11. On October 27, 2017, Commission Staff and Fort Worth filed a joint proposed notice of approval and motion to admit evidence.
12. On December 20, 2017, Order No. 8 was issued, admitting evidence into the record of this proceeding.

#### **Notice**

13. On February 10, 2017, notice of the application was published in the *Texas Register*.
14. On June 12, 2017, Fort Worth mailed notice of the application to neighboring systems, landowners, and cities.
15. On June 15, 2017, and June 22, 2017, notice of the application was provided by publication in the *Star-Telegram*, a newspaper of general circulation in Tarrant County.
16. On July 28, 2017, Fort Worth filed affidavits attesting to the provision of notice by mail and by publication.

#### **Informal Disposition**

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

18. Commission Staff and Fort Worth are the only parties to this proceeding.
19. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

## II. Conclusions of Law

1. Fort Worth is a municipal corporation and home-rule city, principally located in Tarrant County and is a retail public utility as defined in TWC § 13.002.<sup>1</sup>
2. The Commission has jurisdiction over the application under TWC §§ 13.041, 13.241, 13.244, 13.246, and 13.254.
3. Fort Worth provided notice of the application in compliance with TWC § 13.246 and 16 Texas Administrative Code (TAC) § 24.106.
4. The application meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246 and 16 TAC §§ 24.101-.102 and 24.104-.106.
5. After considering the factors in TWC § 13.246(c), Fort Worth is entitled to approval of the application having 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(a).
6. Approval of the application is 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. Under TWC § 13.257(r), 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.
8. 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 order:

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<sup>1</sup> Tex. Water Code Ann. § 13.002 (West 2008 and Supp. 2017) (TWC).

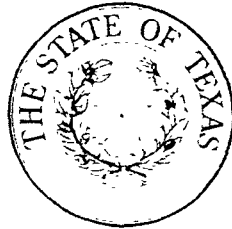
1. The application, as amended, is approved.
2. Fort Worth's water CCN No. 12311 is amended consistent with this Notice.
3. Johnson County SUD's water CCN No. 10081 is amended consistent with this Notice.
4. Fort Worth shall serve every customer and applicant for service within the areas certificated under 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) and (s) 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 and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 21<sup>st</sup> day of December 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Gabriel P. Soto', is written over a horizontal line. The signature is cursive and extends to the right of the line.

**GABRIEL P. SOTO**  
**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission of Texas

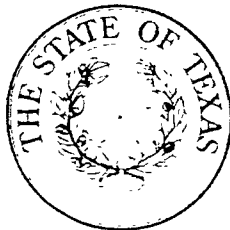
**By These Presents Be It Known To All That**  
**City of Fort Worth**

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**

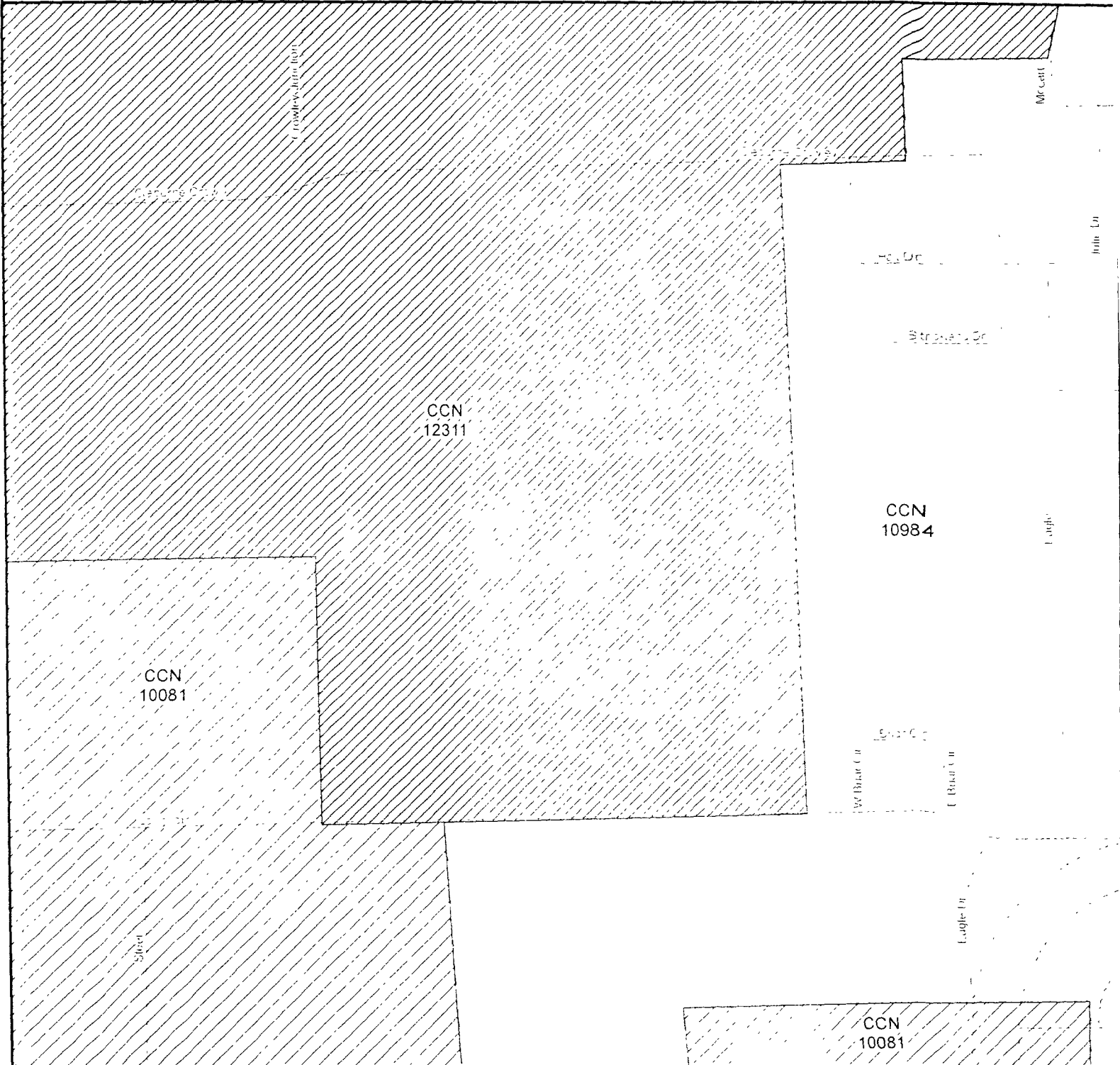
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by Johnson County Special Utility District 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.

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

