

Control Number: 46981



Item Number: 26

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APPLICATION OF CITY OF FORT §  
WORTH TO AMEND A WATER §  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY AND TO DECERTIFY A §  
PORTION OF BETHESA WATER §  
SUPPLY CORPORATION'S §  
CERTIFICATE IN TARRANT COUNTY §

PUBLIC UTILITY COMMISSION  
FILED CLERK  
OF TEXAS

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

COMES NOW, the Staff of the Public Utility Commission of Texas ("Staff"), with permission from the City of Fort Worth (Fort Worth) (together the "Parties"), and files this Joint Motion to Admit Evidence, and Notice of Approval. In support thereof, the Parties show the following:

**I. BACKGROUND**

On March 22, 2017, the 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 Bethesda Water Supply Corporation's CCN (Bethesda WSC) No. 10089 in Tarrant County, Texas. Fort Worth seeks the amendment to provide water utility service to approximately 65 acres of land and no current customers.

On March 9, 2018, Order No. 7 was issued, establishing a deadline of April 10, 2018 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) Applicant's March 22, 2017 application, as amended and supplemented on May 18, 2017, August 21, 2017, August 29, 2017, September 8, 2017 and September 11, 2017; (b) a publisher's affidavit dated November 9, 2017 attesting to the provision of notice of the application by publication in the *Star-Telegram* on November 2, 2017 and November 9, 2017 signed by Christine Lopez, Bid and Legal Coordinator for the *Star-Telegram*; (c) an affidavit dated November 13,

2017 and signed by Kara Shuror attesting that notice of the application was sent to neighboring systems, landowners, and cities by mail on November 10, 2017; (e) Commission Staff's Final Recommendation, filed April 3, 2018; and (f) signed consent forms submitted March 22, 2018.

### **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 Bethesda WSC's CCN No. 10089 in Tarrant County, Texas. Also attached are the final map and certificates that were included in Staff's final recommendation.

### **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  
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**DOCKET NO. 46981**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record April 10, 2018  
in accordance with 16 TAC § 22.74.



Alexander Petak

**DOCKET NO. 46981**

<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 AND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>NECESSITY AND TO DECERTIFY A</b>	<b>§</b>	
<b>PORTION OF BETHESA WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION'S</b>	<b>§</b>	
<b>CERTIFICATE 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 Bethesda Water Supply Corporation (Bethesda WSC) CCN No. 10089 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 March 22, 2017, Fort Worth filed an application with the Commission to amend its water CCN No. 12311 and to decertify a portion of Bethesda WSC's CCN No. 10089 in Tarrant County, Texas.
2. The requested amendment reflects the addition of approximately 65 acres to provide water service.
3. Order No. 1, issued March 29, 2017, required comments on administrative completeness and notice, a proposed procedural schedule, and addressed other procedural matters.
4. Order No. 2, issued April 25, 2017, found the application to be deficient.
5. On May 18, 2017, Fort Worth filed revised maps to cure deficiencies.
6. Order No. 3, issued June 28, 2017, found the application to remain deficient.
7. On August 21, 2017, Fort Worth filed supplemental information to the application.

8. Order No. 4, issued August 24, 2017, found the application to remain deficient and directed Applicant to supply the plans and specifications submitted to the TCEQ for the proposed water distribution to serve the requested area.
9. On August 29, 2017, September 8, 2017, and September 11, 2017, Fort Worth additional supplemental information to the application.
10. Order No. 5, issued September 28, 2017, found the application to be administratively complete and directed Fort Worth to provide notice, and established deadlines for further processing of the application.
11. Order No. 6, issued December 12, 2017, found the notices sufficient and established a procedural schedule for the remainder of the docket, including a deadline for intervention.
12. Order No. 7, issued March 9, 2018, amended the procedural schedule to file consent forms, joint proposed findings of fact and conclusions of law.
13. On March 22, 2018, and March 23, 2018, Fort Worth and Bethesda WSC, respectively, filed forms consenting to the CCN service area maps and CCNs transmitted by Commission Staff.
14. On April 3, 2018, Commission Staff filed a Final Recommendation, recommending that the application be approved.

#### **Notice**

15. On March 29, 2017, the Commission submitted notice of Fort Worth's application to the Texas Register, which was published on April 14, 2017.
16. On November 17, 2017, Applicant 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 November 2, 2017 and November 9, 2017. A publisher's affidavit dated November 9, 2017 and signed by Christine Lopez, Bid and Legal Coordinator for the *Star-Telegram*, attests to this notice.
17. Fort Worth provided notice of the application to neighboring systems, landowners, and cities on November 10, 2017. Notice was provided by mail to Bethesda Water Supply Co., Tarrant County Freshwater Supply District No. 1, Tarrant Regional Water District; Aqua Texas, Inc.; City of Burleson; Northern Trinity Groundwater Control District; Trinity River Authority; and the Tarrant County Judge. An affidavit dated November 13, 2017 and signed by Kara Shuror attests to this notice.

#### **Evidence**

18. On \_\_\_\_\_, 2018, Fort Worth and Commission Staff jointly filed a request to admit the following into evidence: (a) Fort Worth's March 22, 2017 application, as amended and supplemented on May 18, 2017, August 21, 2017, August 29, 2017, September 8, 2017 and September 11, 2017; (b) a publisher's affidavit dated November 9, 2017 attesting to the provision of notice of the application by publication in the *Star-Telegram* on November 2, 2017 and November 9, 2017 signed by Christine Lopez, Bid and Legal Coordinator for the *Star-Telegram*; (c) an affidavit dated November 13, 2017 and signed by Kara Shuror attesting that notice of the application was sent to neighboring systems, landowners, and cities by mail on November 10, 2017; (e) Commission Staff's Final Recommendation, filed April 3, 2018; and (f) signed consent forms submitted March 22, 2018.
19. On \_\_\_\_\_, 2018, Order No. \_\_\_ was issued, admitting evidence into the record.

**Informal Disposition**

20. More than 15 days have passed since the completion of the notice provided in this docket.
21. No protest was filed. As a result, Commission Staff and Fort Worth are the only parties to this proceeding.

The criteria for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 (TAC) have been satisfied in this proceeding.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041, 13.241, and 13.246 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.106, and 24.107 (TAC).
2. 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).
3. Fort Worth has provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application was processed in accordance with the TWC and Commission rules.
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.

6. 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.
7. 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).
8. The application was processed in accordance with TWC § 13.254 and 16 TAC § 24.113.
9. 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.
10. 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. Fort Worth's application, as amended, is approved.
2. Fort Worth's water CCN No. 12311 is amended consistent with this Notice.
3. Bethesda WSC's CCN No. 10089 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 \_\_\_\_\_ 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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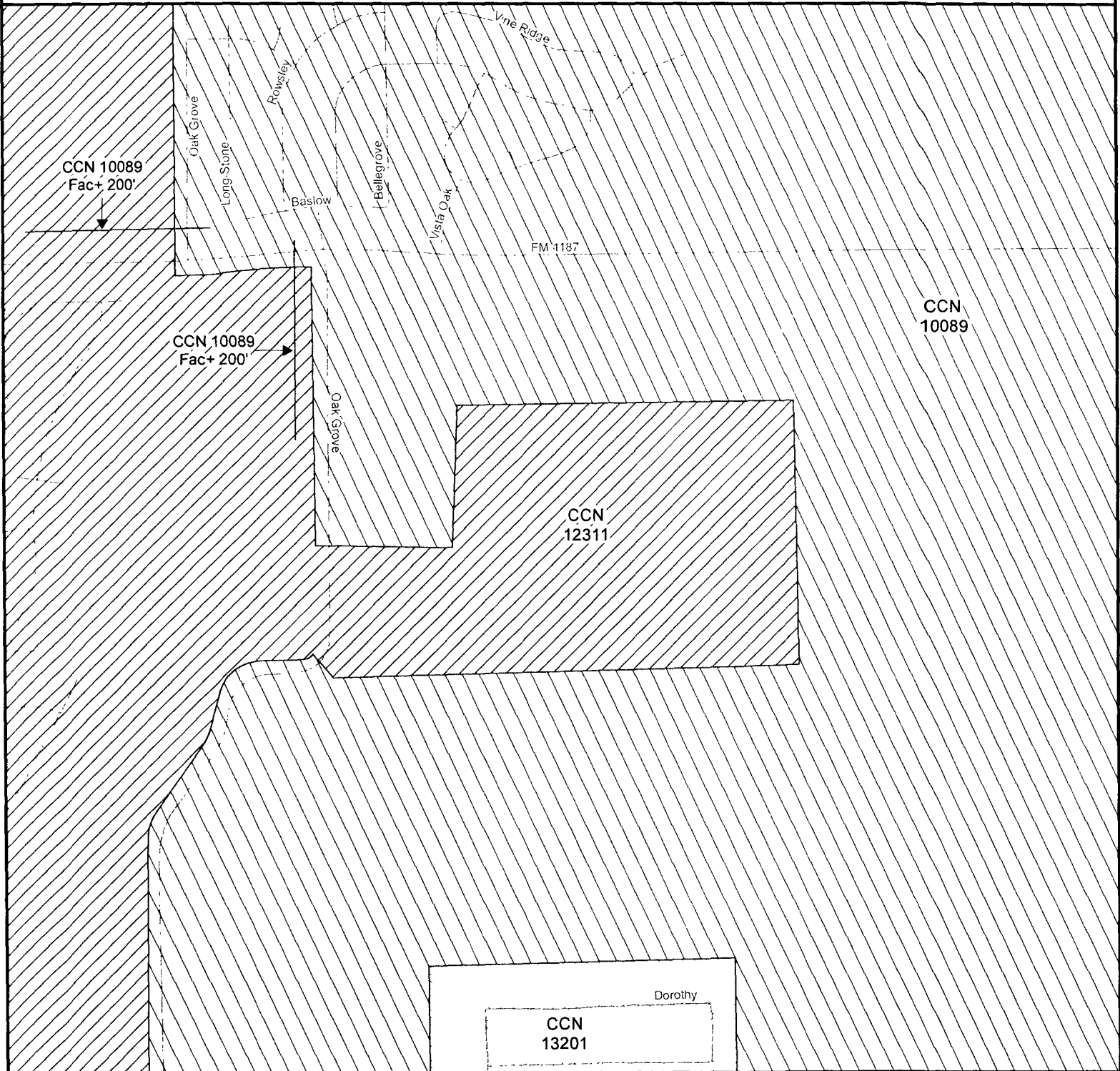
# ATTACHMENT A

City of Fort Worth

Portion of Water CCN No. 12311




PUC Docket No. 46981

Amended CCN No. 12311 and Decertified a Portion of Bethesda WSC, CCN No. 10089 in Tarrant County




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

**Water CCN**

-  12311 - City of Fort Worth
-  10089 - Bethesda WSC
-  13201 - Aqua Texas Inc

**Water Facility CCN**

-  10089 - Bethesda WSC  
- Facilities + 200'

0 350 700  
Feet



Map by Komal Patel  
Date created February 6, 2018  
Project Path n\finalmapping\46981\CityofFortWorth.mxd

# ATTACHMENT B



# **Public Utility Commission Of Texas**

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

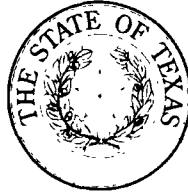
## **City of Fort Worth**

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, 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 Johnson and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46981 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 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, this \_\_\_\_\_ day of \_\_\_\_\_ 2018



# **Public Utility Commission Of Texas**

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

## **Bethesda 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, Bethesda Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10089**

to provide continuous and adequate water utility service to that service area or those service areas in Johnson and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46981 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 Bethesda 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 \_\_\_\_\_ day of \_\_\_\_\_ 2018