



Control Number: 46986



Item Number: 21

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APPLICATION OF LIL COUNTRYSIDE WSC §  
 TO OBTAIN A WATER CERTIFICATE OF §  
 CONVENIENCE AND NECESSITY IN HUNT §  
 COUNTY §

PUBLIC UTILITY COMMISSION 46  
 OF TEXAS  
 FILING CLERK

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

COME NOW, the Lil Countryside Water Supply Corporation (Lil Countryside) together with the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

#### **I. BACKGROUND**

On March 23, 2017, Lil Countryside filed an application to obtain a new water certificate of convenience and necessity (CCN). Lil Countryside seeks this CCN to operate a system that has been abandoned.

On October 2, 2017, Order No. 6 was issued, deeming notice sufficient and establishing a procedural schedule giving the parties a deadline of November 3, 2017, for the Commission Staff to file a final recommendation on the application. Order No. 6 also set a deadline of November 10, 2017, for the parties to file a joint proposed order, including findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely filed.

#### **II. JOINT MOTION TO ADMIT EVIDENCE**

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

- (a) Lil Countryside's Application, filed on March 23, 2017 (AIS Item No. 1);
- (b) The affidavits of notice filed on June 8 and September 19, 2017 (AIS Item Nos. 9 and 16);
- (c) Additional information from Lil Countryside, filed July 18 and 21, 2017 (AIS Item Nos. 12 and 13).
- (d) Lil Countryside's consent forms to the final map and certificate, filed October 27, 2017 (AIS Item No. 19);

- (e) Commission Staff's recommendation that the Application be approved, filed November 3, 2017, including the final map and certificate attached to that recommendation (AIS Item No. 20).

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

The attached Joint Proposed Notice of Approval would grant Lil Countryside's Application for a new water CCN No. 13261 in Hunt County, Texas. Also attached are the final map and certificate that were included in Staff's recommendation on final disposition filed November 3, 2017.

### **IV. CONCLUSION**

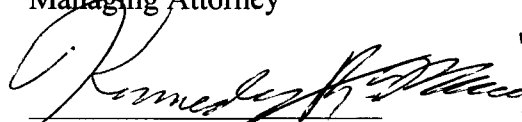
The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney




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)  
kennedy.meier@puc.texas.gov

**DOCKET NO. 46986**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on  
November 10, 2017 in accordance with 16 TAC § 22.74.

  
Kennedy R. Meier

**DOCKET NO. 46986**

<b>APPLICATION OF LIL COUNTRYSIDE WSC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO OBTAIN A WATER CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN HUNT</b>	<b>§</b>	<b>OF TEXAS</b>
<b>COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Lil Countryside WSC (Lil Countryside) for a new water certificate of convenience and necessity (CCN) in Hunt County, Texas. The Public Utility Commission Staff (Commission Staff) recommended approval of this application. The application is approved.

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

**I. FINDINGS OF FACT**

**Procedural History**

1. On March 23, 2017, Lil Countryside WSC filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Hunt County. On the same date, Lil Countryside also filed an application for Sale, Transfer, or Merger in Docket No. 46985.
2. Lil Countryside was formed to operate an abandoned system that is currently being operated by a temporary manager.
3. On March 28, 2017, Order No. 1 was issued in the present proceeding and in Docket No. 46985, requiring comments on administrative completeness.
4. On April 24, 2017, Commission Staff filed a recommendation on administrative completeness. Staff also filed its first Request for Information (RFI) to Lil Countryside.
5. On April 24, 2017, Commission Staff filed in Docket No. 46985 a motion to consolidate Docket No. 46985 into Docket No. 46986.
6. On May 8, 2017, Order No. 2 was issued, consolidating Docket No. 46985 into the present proceeding.
7. On May 10, 2017, Order No. 3 was issued, deeming the application of Lil Countryside administratively complete, addressing notice, and establishing a procedural schedule.

8. On June 8, 2017, Tracey Lerich, President Lil Countryside filed an Affidavit of Notice to Neighboring Utilities, Customers, and Affected Parties.
9. On June 15, 2017, Staff filed a recommendation that Lil Countryside's notice to neighboring utilities, customers, and affected parties be deemed deficient.
10. On June 20, 2017, Order No. 5 was issued, deeming notice deficient and establishing deadlines for opportunity to cure.
11. On July 18, 2017, Tracey Lerich, President of Lil Countryside, filed comments responding to Order No. 5 and seeking relief from the requirements of Order No. 5.
12. On July 21, 2017, Tracey Lerich, President of Lil Countryside, filed a public notice exemption letter explaining why Lil Countryside was asking to be exempt from Order No. 5.
13. On July 28, 2017, Staff filed its second recommendation on Notice. Staff recommended approval of Lil Countryside's request for a good cause waiver to the notice publication requirements of 16 TAC § 24.106(c). Staff further recommended that Lil Countryside's proof of notice remained deficient.
14. On August 1, 2017, Order No. 5 was issued, finding Lil Countryside's proof of notice deficient and granting a good cause exception to the requirement to provide published notice.
15. On September 19, 2017, Tracey Lerich, President of Lil Countryside, filed affidavit of notice to neighboring utilities, customers and affected parties documenting that the Sabine River Authority was notified.
16. On September 29, 2017, Commission Staff filed a recommendation that Lil Countryside's notice be deemed sufficient.
17. On October 2, 2017, Order No. 6 was issued, deeming notice sufficient and establishing a procedural schedule.
18. On October 27, 2017, Lil Countryside filed a consent form, consenting to the map and certificate transmitted by Commission Staff.
19. On November 3, 2017, Staff filed a recommendation that the application be approved.
20. On November 10, 2017, the parties filed a joint proposed notice of approval and a joint request to admit the following into evidence:
  - a. Lil Countryside's Application, filed on March 23, 2017 (AIS Item No. 1);

- b. The affidavits of notice filed on June 8 and September 19, 2017 (AIS Item Nos. 9 and 16);
- c. Additional information from Lil Countryside, filed July 18 and 21, 2017 (AIS Item Nos. 12 and 13).
- d. Lil Countryside's consent forms to the final map and certificate, filed October 27, 2017 (AIS Item No. 19);
- e. Commission Staff's recommendation that the Application be approved, filed November 3, 2017, including the final map and certificate attached to that recommendation (AIS Item No. 20).

### **Notice**

- 21. On June 6, 2016, Lil Countryside mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
- 22. On August 1, 2017, Order No. 5 granted Lil Countryside a good cause exception to the requirement to provide published notice.
- 23. On June 8, 2017, and September 19, 2017, Lil Countryside filed affidavits attesting to mailed notice, including copies of individual notices. On July 18 and 21, 2017, Lil Countryside filed additional information relating to notice.

### **Evidentiary Record**

- 24. On \_\_\_\_\_, Order No. \_\_ was issued, admitting evidence into the record of this proceeding.

### **Informal Disposition**

- 25. More than 15 days have passed since the completion of the notice provided in this docket.
- 26. Lil Countryside and Commission Staff are the only parties to this proceeding.
- 27. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

## **II. CONCLUSIONS OF LAW**

- 1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.041, 13.241, 13.244, and 13.246 (West 2008 & Supp. 2016) (TWC).

2. Lil Countryside is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(59) (TAC).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 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), Lil Countryside 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 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. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), Lil Countryside 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 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. Lil Countryside's application is approved.
2. Lil Countryside's water CCN No. 13261 is hereby created, consistent with this Notice.
3. Lil Countryside shall serve every customer and applicant for service within the areas certificated under its water CCN No. 13261, and such service shall be continuous and adequate.



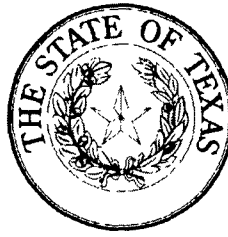
4. Lil Countryside shall comply with the recording requirements in TWC § 13.257(r) for the area in Hunt County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings 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**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

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

**Lil Countryside WSC**

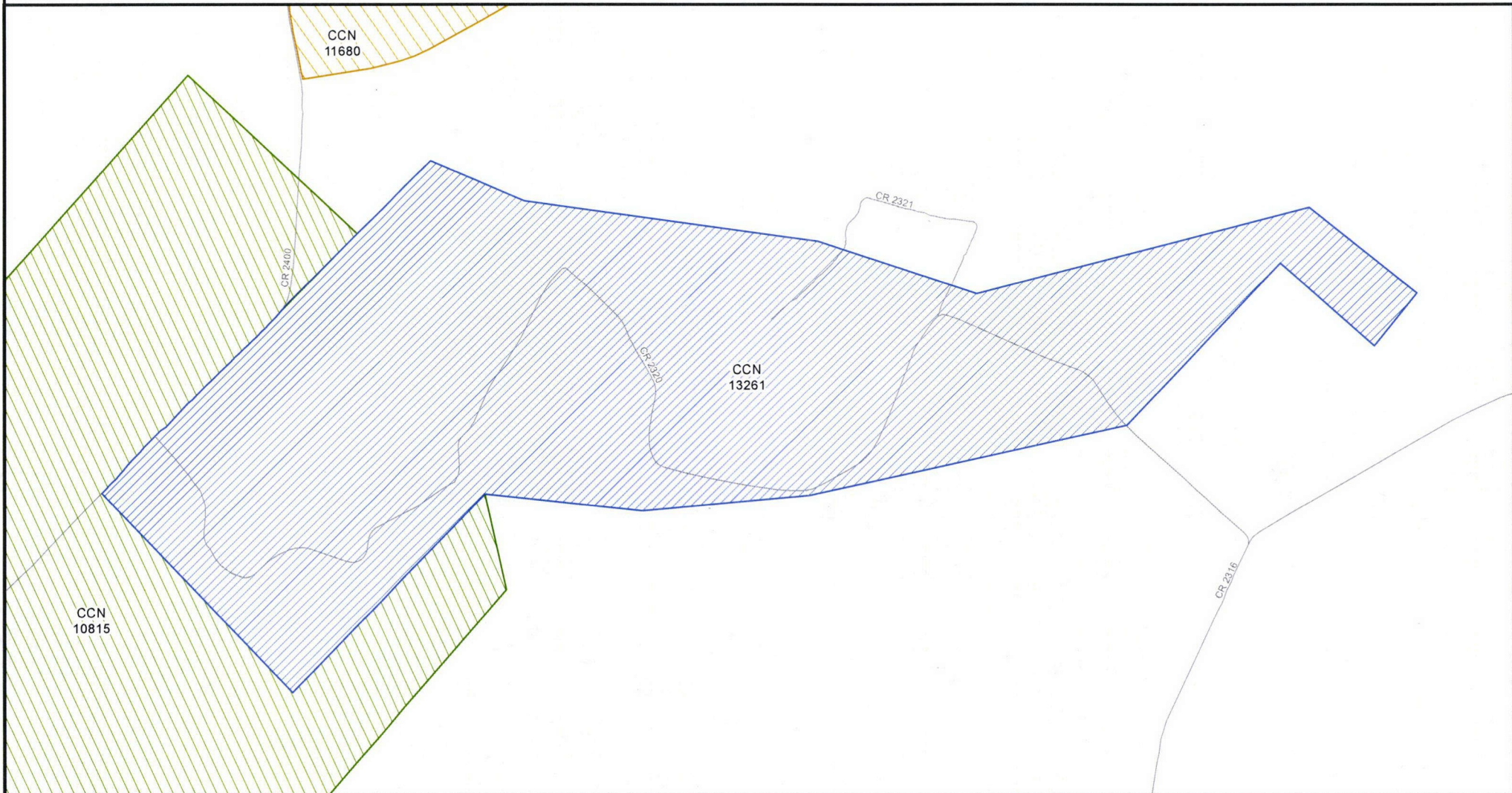
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Lil Countryside WSC is entitled to this

## **Certificate of Convenience and Necessity No. 13261**

to provide continuous and adequate water utility service to that service area or those service areas in Hunt County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46986 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 Lil Countryside WSC, 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.

Lil Countryside WSC  
Water CCN No. 13261  
PUC Docket No. 46986  
Obtained New CCN in Hunt County



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

**Water CCN**

-  13261 - Lil Countryside WSC
-  10815 - Poetry WSC
-  11680 - Whispering Oaks Water Coop

0 450 900  
Feet



Map by: Komal Patel  
Date created: September 1, 2017  
Project Path: n:\finalmapping\46986LilCountrysideWSC.mxd