

Control Number: 46986



Item Number: 23

Addendum StartPage: 0

DOCKET NO. 46986

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

PUBLIC UTILITY COMMISSION  
OF TEXAS

### NOTICE OF APPROVAL

This Notice addresses the application of Lil Countryside WSC for a new water certificate of convenience and necessity in Hunt County. The 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, Description, Background

1. On March 23, 2017, Lil Countryside WSC filed an application to obtain a water certificate of convenience and necessity in Hunt County. On the same date, Lil Countryside also filed an application for sale, transfer, or merger in Docket No. 46985.<sup>1</sup>
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.
5. On April 24, 2017, Commission Staff filed a motion in Docket No. 46985 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.

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<sup>1</sup> Application of W. Oaks Phoenix Corporation and Lil Countryside WSC for Sale, Transfer, or Merger of Facilities in Dallas County, Docket No. 46985 (Mar. 23, 2017).

23

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 September 29, 2017, Commission Staff filed a recommendation that Lil Countryside's notice be deemed sufficient.
9. On October 2, 2017, Order No. 6 was issued deeming notice sufficient and establishing a procedural schedule.
10. On October 27, 2017, Lil Countryside filed a consent form, consenting to the map and certificate transmitted by Commission Staff.
11. The map and certificate referenced in Finding of Fact No. 10 are attached to this Notice.
12. On November 3, 2017, Staff filed a recommendation that the application be approved.
13. On November 10, 2017, the parties filed a joint proposed notice of approval and a joint request to admit.
14. On November 14, 2017, Order No. 7 was issued admitting evidence into the record of this proceeding.

**Notice**

15. On June 6, 2017, Lil Countryside mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
16. On August 1, 2017, Order No. 5 was issued granting Lil Countryside a good cause exception to the requirement to provide published notice.
17. 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.

**Informal Disposition**

18. More than 15 days have passed since the completion of the notice provided in this docket.
19. Lil Countryside and Commission Staff are the only parties to this proceeding.
20. No issues of fact or law remain disputed by any party.

## II. Conclusions of Law

1. The Commission has jurisdiction over this docket under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, and 13.246 (West 2008 & Supp. 2016).
2. Lil Countryside is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
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. Under 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 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. The application is approved.
2. Lil Countryside is granted water CCN No. 13261, 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.

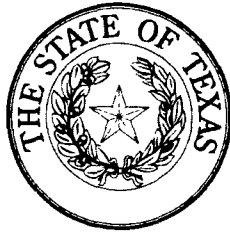
Signed at Austin, Texas the 15<sup>th</sup> day of November 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**

W2013

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# Public Utility Commission of Texas

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

**Lil Countryside WSC**

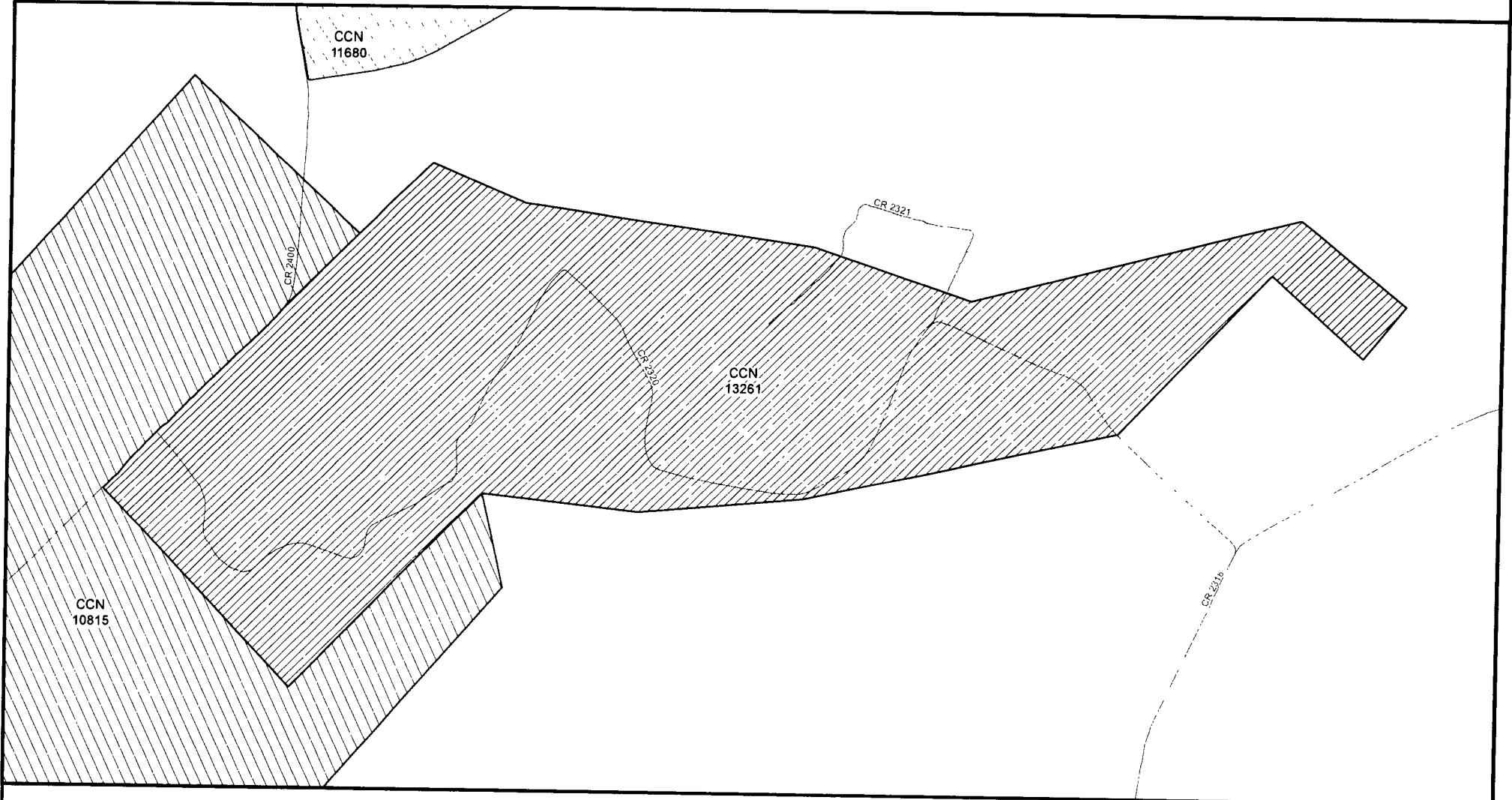
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Lil Countryside WSC is entitled to this

## **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 15<sup>th</sup> day of November 2017.

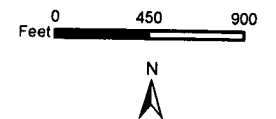
Lil Countryside WSC  
 Water CCN No. 13261  
 PUC Docket No. 46986  
 Obtained New CCN in Hunt County



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



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

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