



Control Number: 47027



Item Number: 29

Addendum StartPage: 0

DOCKET NO. 47027

2018 MAR 12 PM 1:56  
FILING CLERK

APPLICATION OF AQUA WATER  
SUPPLY CORPORATION AND  
FAYETTE WATER SUPPLY  
CORPORATION FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN BASTROP COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

### NOTICE OF APPROVAL

This Order addresses the application of Aqua Water Supply Corporation and Fayette Water Supply Corporation for the sale, transfer, or merger of facilities and amendment of certificate rights in Bastrop County. Commission Staff recommended approval of the application, as supplemented. The application, as supplemented, is approved.

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

#### I. Findings of Fact

1. On April 4, 2017, Aqua and Fayette filed an application to transfer certificates rights in Bastrop County. The applicants filed supplements to the application on May 19, 2017, and July 6, 2017.
2. Aqua holds certificate of convenience and necessity (CCN) No. 10294 in Bastrop County and Fayette holds CCN No. 10726 in Bastrop County.
3. On August 28, 2017, Commission Staff recommended the application be found administratively complete and accepted for filing.
4. On August 29, 2017, Order No. 4 was issued finding the application, as supplemented, administratively complete, requiring notice, and establishing a procedural schedule.
5. On October 6, 2017, Commission Staff recommended applicants' notice be found sufficient and proposed a procedural schedule.
6. On October 10, 2017, Order No. 5 was issued finding applicants' notice sufficient and establishing a schedule.

7. On November 15, 2017, Commission Staff recommended that the transaction be approved to proceed and be consummated.
8. On November 16, 2017, Order No. 6 was issued approving the sale and transfer to proceed, establishing a deadline for applicants to file monthly reports regarding the status of efforts to conclude the transaction and submit closing documentation, and addressing customer deposits, if any.
9. On December 14, 2017, applicants filed closing documents, including a signed acknowledgement that the transaction was finalized and confirming that there were no customer deposits to transfer.
10. On December 19, 2017, Commission Staff recommended that the closing documentation be found sufficient, customer deposits were properly addressed, and proposed a procedural schedule.
11. On December 20, 2017, Order No. 7 was issued, finding applicants' closing documents sufficient and establishing a procedural schedule.
12. On January 23, 2018, Fayette filed its consent form indicating agreement with the revised maps and amended certificates as prepared by Commission Staff.
13. On January 24, 2018, Aqua filed its consent form indicating agreement with the revised maps and amended certificates as prepared by Commission Staff.
14. The revised maps and amended certificates are attached to this Notice.
15. On February 7, 2018, applicants and Commission Staff filed a joint motion to admit evidence.
16. On March 12, 2018, Order No. 8 was issued admitting evidence into the record of this proceeding.

**Notice**

17. Notice of the application was published in the *Texas Register* on April 21, 2017.
18. On September 28, 2017, the applicants filed an affidavit attesting to the provision of notice to any districts, utilities, and cities within two miles of the requested area, the county judge of each county and each groundwater conservation district that is wholly or partly included

in the requested area to be certified, each city with an extraterritorial jurisdiction that is wholly or partly included in the requested area to be certified, Fayette, Fayette County Groundwater Conservation District, Lost Pines Groundwater Conservation District, Lower Colorado River Authority, the Bastrop County Judge, neighboring utilities, and other affected parties.

**The Transaction**

19. The total area for transfer from Aqua to Fayette includes approximately 2,035 acres and no current customers.
20. The requested area is located approximately 3.5 miles northwest of downtown Cistern and is generally bounded on the north by County Road 310, on the east by the Bastrop and Fayette county line, on the south by Janca Shade Road, and on the west by County Road 297.
21. No existing water service is being provided to the proposed area.
22. As a result of the transfer, there will be no effect on any retail public utility servicing the proximate area because no other retail public utilities are in the area.
23. Fayette has an approved Texas Commission on Environmental Quality (TCEQ) public water system, No. 075002, and has no violations listed in the TCEQ database.
24. No additional construction is necessary for Fayette to serve the requested area because Fayette has nearby facilities that are capable of providing water service.
25. Fayette has demonstrated that it has the financial resources to operate and manage the utility and the ability to provide continuous and adequate service to its current area and the requested area.
26. The environmental integrity of the land will not be effected as no additional construction is needed by Fayette to provide service to the transferred area.
27. There are no existing Aqua customers in the transferred area; therefore, there will be no effect on rates and services to any customers.

**Informal Disposition**

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

29. No protests, motions to intervene, or requests for hearing filed.
30. Aqua, Fayette, and Commission Staff are the only parties to this proceeding.
31. No issues of fact or law are disputed by any party.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over the application under Texas Water Code<sup>1</sup> §§ 13.041, 13.241, 13.251, and 13.301.
2. Applicants are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Notice of the application was provided under TWC § 13.301(a)(2).
4. The application was processed in accordance with the requirements of the Administrative Procedure Act,<sup>2</sup> TWC, and Commission rules.
5. Applicants completed the sale within 180 days from the date of the Commission's authorization to proceed with the sale in accordance with 16 TAC § 24.109(o).
6. After considering the factors in TWC § 13.246(c), Fayette has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested areas.
7. Applicants have demonstrated that the sale and transfer of service areas and facilities from Aqua's CCN No. 10294 to Fayette's CCN No. 10726 is necessary for the service, accommodation, convenience, or safety of the public.
8. As required by TWC §§ 13.257(r), Aqua and Fayette are required to record a certified copy of the approved certificates and maps, along with a boundary description of the service areas, 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.

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<sup>1</sup> Tex. Water Code Ann. §§ 13.041, 13.241, 13.251, and 13.301 (West 2008 & Supp. 2017) (TWC).

<sup>2</sup> Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

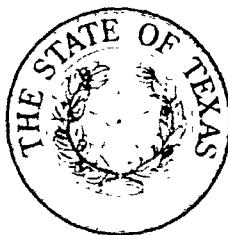
1. The application, as supplemented, is approved.
2. The certificates and maps attached to this Notice are approved.
3. A portion of the service area and facilities in Bastrop County associated with Aqua's CCN No. 10294 are transferred to Fayette's CCN No. 10726, consistent with this Notice.
4. Fayette's CCN No. 10726 is amended, consistent with this Notice.
5. Fayette shall serve every customer and applicant for service within the areas certificated under CCN No. 10726, and such service shall be continuous and adequate.
6. The Commission's official service area boundary maps for the applicants as shown in the attached maps.
7. Aqua and Fayette shall comply with the recording requirements of Tex. Water Code § 13.257(r) and (s) for the area in Bastrop County affected by the application and submit to the Commission evidence of the recording not later than 31 days after receipt of this Notice.
8. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 12<sup>th</sup> day of March 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**



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



# Public Utility Commission of Texas

By These Presents Be It Known To All That

## Aqua Water Supply Corporation

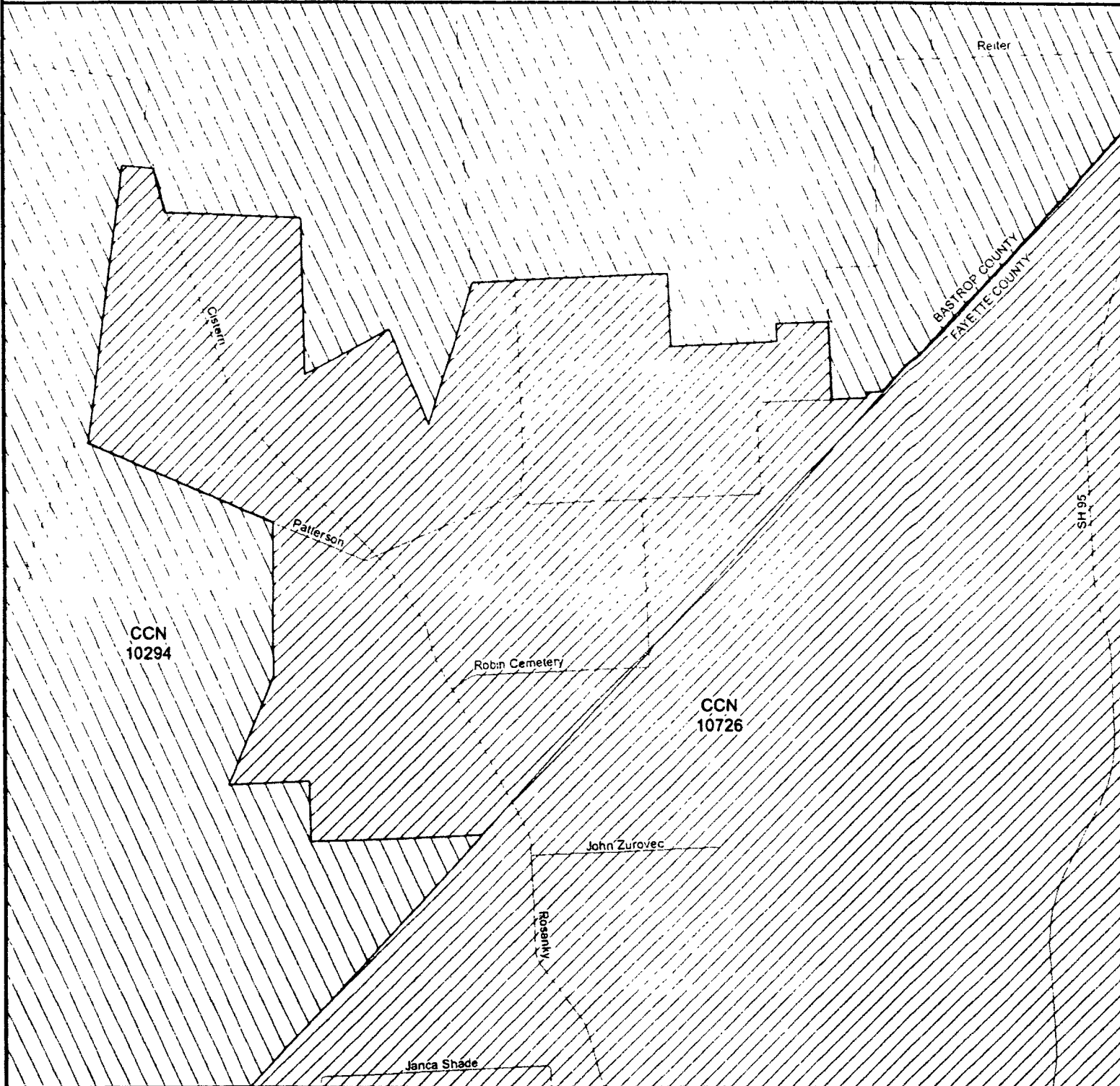
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Water Supply Corporation, is entitled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

### Certificate of Convenience and Necessity No. 10294



to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Lee, and Travis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47027 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 Aqua 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, the 12<sup>th</sup> day of MARCH 2018.

Fayette Water Supply Corporation  
Portion of Water CCN No. 10726  
PUC Docket No. 47027  
Transferred a Portion of Aqua Water Supply Corporation, CCN 10294 in Bastrop County



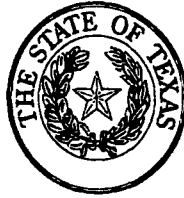
**Water CCN**

-  10726 - Fayette WSC
-  10294 - Aqua WSC

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Feet







# **Public Utility Commission of Texas**

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

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

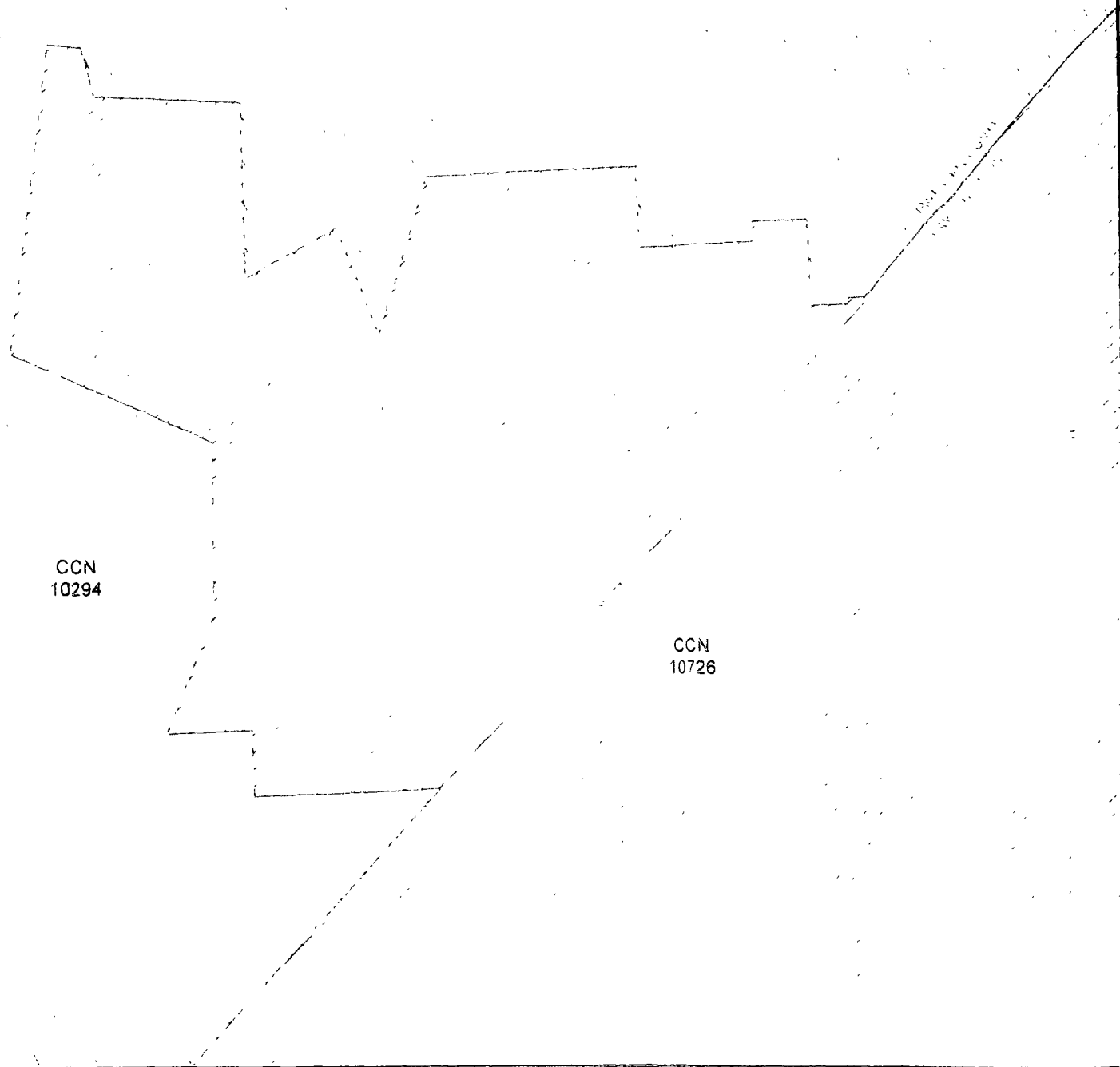
### **Certificate of Convenience and Necessity No. 10726**

to provide continuous and adequate water utility service to that service area or those service areas in Fayette County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47027 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 Fayette 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 12<sup>th</sup> day of MARCH 2018.



Fayette Water Supply Corporation  
Portion of Water CCN No. 10726  
PUC Docket No. 47027

Transferred a Portion of Aqua Water Supply Corporation, CCN 10294 in Bastrop County



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

**Water CCN**

-  10726 - Fayette WSC
-  10294 - Aqua WSC

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Map by Komal Patel  
Date created January 10, 2018  
Project Path n:\finalmapping\47027\FayetteWSC.mxd