



Control Number: 47112



Item Number: 25

Addendum StartPage: 0

APPLICATION OF PARKER CREEK
ESTATES, LP AND CITY OF ROYSE
CITY FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN
ROCKWALL COUNTY

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PUBLIC UTILITY COMMISSION

2018 MAY 24 11:34
OFFICE OF TEXAS CITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Parker Creek Estates, LP and the City of Royse City (collectively, applicants) for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Rockwall County. Commission Staff recommended approval of the application, as supplemented. The Commission approves the application, as supplemented.

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

I. Findings of Fact

Procedural History

1. On May 1, 2017, Parker Creek Estates, LP and the City of Royse City filed an application for Parker Creek to transfer all of its service area under CCN Nos. 13071 and 20968 to Royse City, which holds CCN Nos. 12827 and 20813 in Rockwall County.
2. In Order No. 1 issued on May 3, 2017, the administrative law judge (ALJ) required Commission Staff comments and recommendation.
3. On June 1, 2017, Commission Staff recommended that the ALJ deem the application administratively incomplete and insufficient for filing.
4. In Order No. 2 issued on June 5, 2017, the ALJ found the application incomplete and deficient; and established deadlines and an opportunity to cure.
5. On July 6, 2017 and July 10, 2017, applicants filed supplemental information to the application.

6. On August 4, 2017, Commission Staff made a supplemental filing on administrative completeness and recommended that the ALJ find the application administratively complete.
7. In Order No. 3 issued on August 8, 2017, the ALJ found the application administratively complete, required notice and established a procedural schedule.
8. On August 18, 2017, Commission Staff recommended the ALJ find the applicants' notice sufficient and proposed a procedural schedule.
9. In Order No. 4 issued on August 21, 2017, the ALJ found the notice sufficient and established deadlines for continued processing.
10. On October 13, 2017, Commission Staff recommended that the proposed transaction proceed.
11. In Order No. 5 issued on October 17, 2017, the ALJ authorized the applicants to proceed with the transaction.
12. On March 8, 2018, the applicants filed closing documentation evidencing consummation of the transaction.
13. On March 9, 2018, Commission Staff recommended approval of the closing documentation and indicated that the applicants properly addressed customer deposits.
14. In Order No. 6 issued on March 12, 2018, the ALJ found the closing documents sufficient, the customer deposits properly addressed, and established further deadlines for processing.
15. On April 12, 2018, Parker Creek and the Royse City filed signed consent forms agreeing to the map and certificates as prepared by Commission Staff.
16. On April 30, 2018, the parties filed a joint motion to admit evidence into the record.
17. In Order No. 7 issued on May 18, 2018, the ALJ admitted evidence into the record.

Notice

18. Notice of the application appeared in the May 19, 2017 issue of the *Texas Register*.
19. On August 8, 2017, the applicants mailed notice to current customers, neighboring utilities, and affected parties.

20. On August 10, 2017, the applicants filed affidavits of proof of notice to current customers, neighboring utilities, and affected parties.

Informal Disposition

21. More than 15 days have passed since completion of the notice provided in this docket.
22. Commission Staff. Parker Creek and Royse City are the only parties to this proceeding.
23. No parties filed protests, motions to intervene, or requests for a hearing; therefore, no hearing is necessary.

The Application

24. Royse City owns and operates a Texas Commission on Environmental Quality (TCEQ) approved public water system and a TCEQ permitted wastewater treatment facility.
25. Royse City can expand its existing facilities to serve development in the transferred area.
26. Parker Creek has no existing customers in the transferred area.
27. Granting the sale and transfer of service area and facilities to Royse City will not adversely affect any landowners in the area.
28. It is not feasible for an adjacent utility to provide service to the transferred area because there are no other water providers serving the proximate area.
29. Granting the sale and transfer of Parker Creek's facilities and service areas to Royse City will minimally adversely impact the environmental integrity of the requested area when Royse City constructs distribution lines and collection lines to serve future customers.
30. Royse City will serve the future customers in the transferred area using its existing facilities; and distribution lines and collection lines that will be installed as service is needed.
31. Royse City has demonstrated that it has the financial, managerial, and technical capabilities to operate and manage the utility and the ability to provide continuous and adequate service to the transferred area.

II. Conclusions of Law

1. Parker Creek and Royse City are retail public utilities as defined in § 13.002(19) of the Texas Water Code, Tex. Water Code Ann. (West 2008 & Supp. 2017) (TWC).

2. The Commission has jurisdiction over the application under TWC §§ 13.041, 13.241, 13.246, 13.251, and 13.301.
3. Parker Creek and Royse City provided notice of the application as required by TWC § 13.301(a)(2).
4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017) and Commission rules.
5. Parker Creek and Royse City completed the sale within 180 days from the date of the Commission's approval to proceed with the sale as required by 16 TAC § 24.109(o).
6. After consideration of the factors in TWC § 13.246(c), Parker Creek and Royse City are entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to every customer in the service area as required by TWC § 13.301(b) and 13.241.
7. Applicants have demonstrated that the sale of facilities and the granting and transfer of certificate rights requested in this application are in the public interest as required by 16 TAC § 13.301(d).
8. Parker Creek and Royse City have demonstrated that the sale of facilities and the granting and transfer of certificate rights requested in this application are necessary for the service, accommodation, convenience and safety of the public as required by 16 TAC § 13.246(b).
9. Under TWC § 13.257(r) and (s), Royse City 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 application meets the requirements for informal disposition in 16 TAC § 22.35.

III. Ordering Paragraphs

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

1. The Commission approves the application, as supplemented.

2. The Commission approves the certificates and map attached to this Notice.
3. The Commission amends Royse City's CCN Nos. 12827 and 20813 to reflect the newly transferred area, and cancels Parker Creek's CCN Nos. 13071 and 20968.
4. The Commission's official service area boundary maps for Royse City shall reflect this change as provided in the attached maps.
5. Royse City shall serve every customer and applicant for service within the areas previously served by Parker Creek and such service shall be continuous and adequate.
6. Royse City shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Rockwall County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 24th day of May 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Royse City

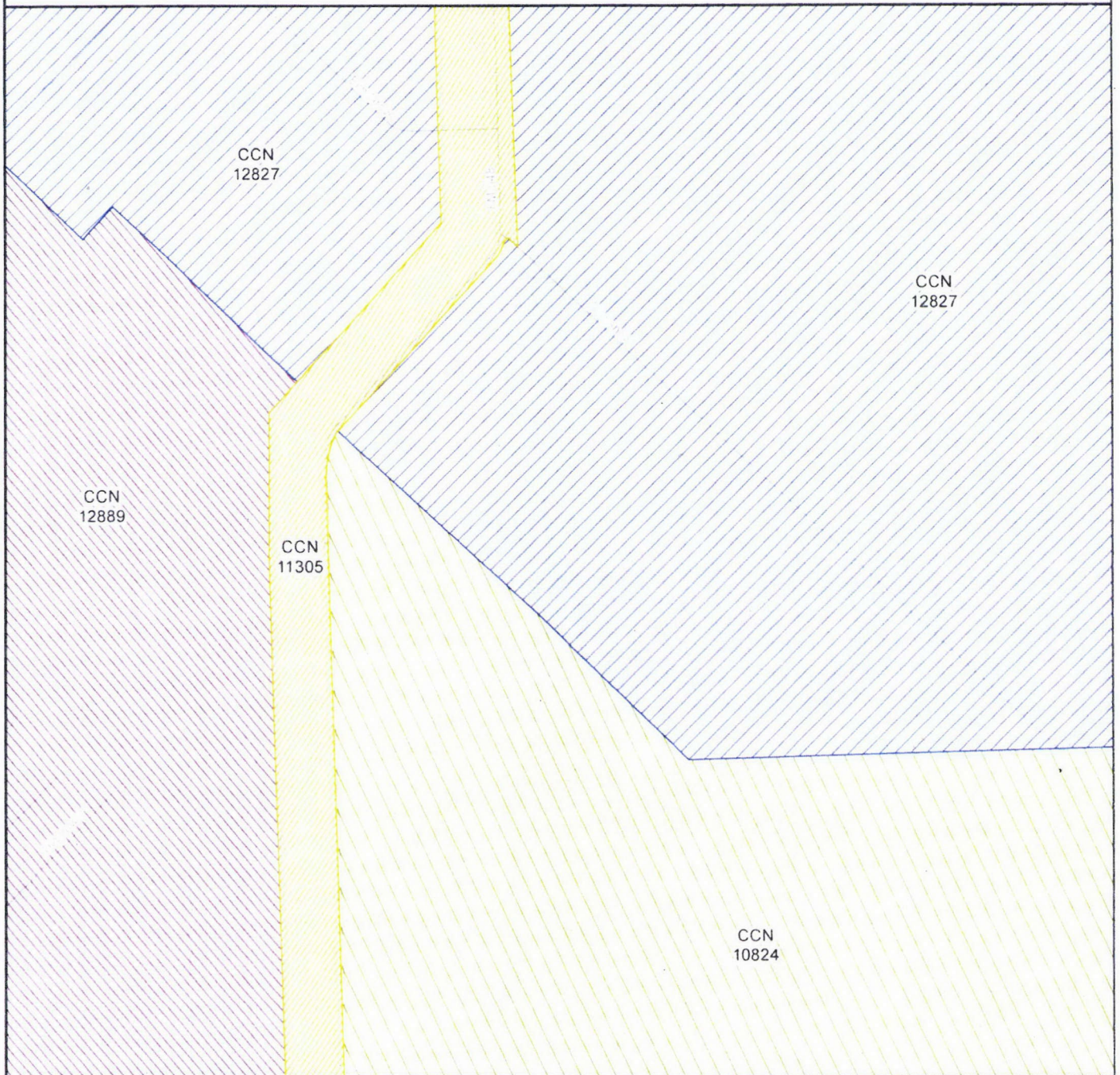
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Royse City is entitled to this

Certificate of Convenience and Necessity No. 12827

to provide continuous and adequate water utility service to that service area or those service areas in Collin, Hunt and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47112 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 Royse City, 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 24th day of May 2018.

City of Royse City
 Portion of Water CCN No. 12827
 PUC Docket No. 47112
 Transferred all of Parker Creek Estates, LP, CCN No. 13071 in Rockwall County



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

Water CCN

-  12827 - City of Royse City
-  10824 - Cash SUD
-  11305 - Blackland WSC
-  12889 - City of Fate

0 625 1250
 Feet



Map by Komal Patel
 Date created April 7, 2018
 Project Path: n:\finalmapping\47112CityofRoyseCityWater.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Royse City

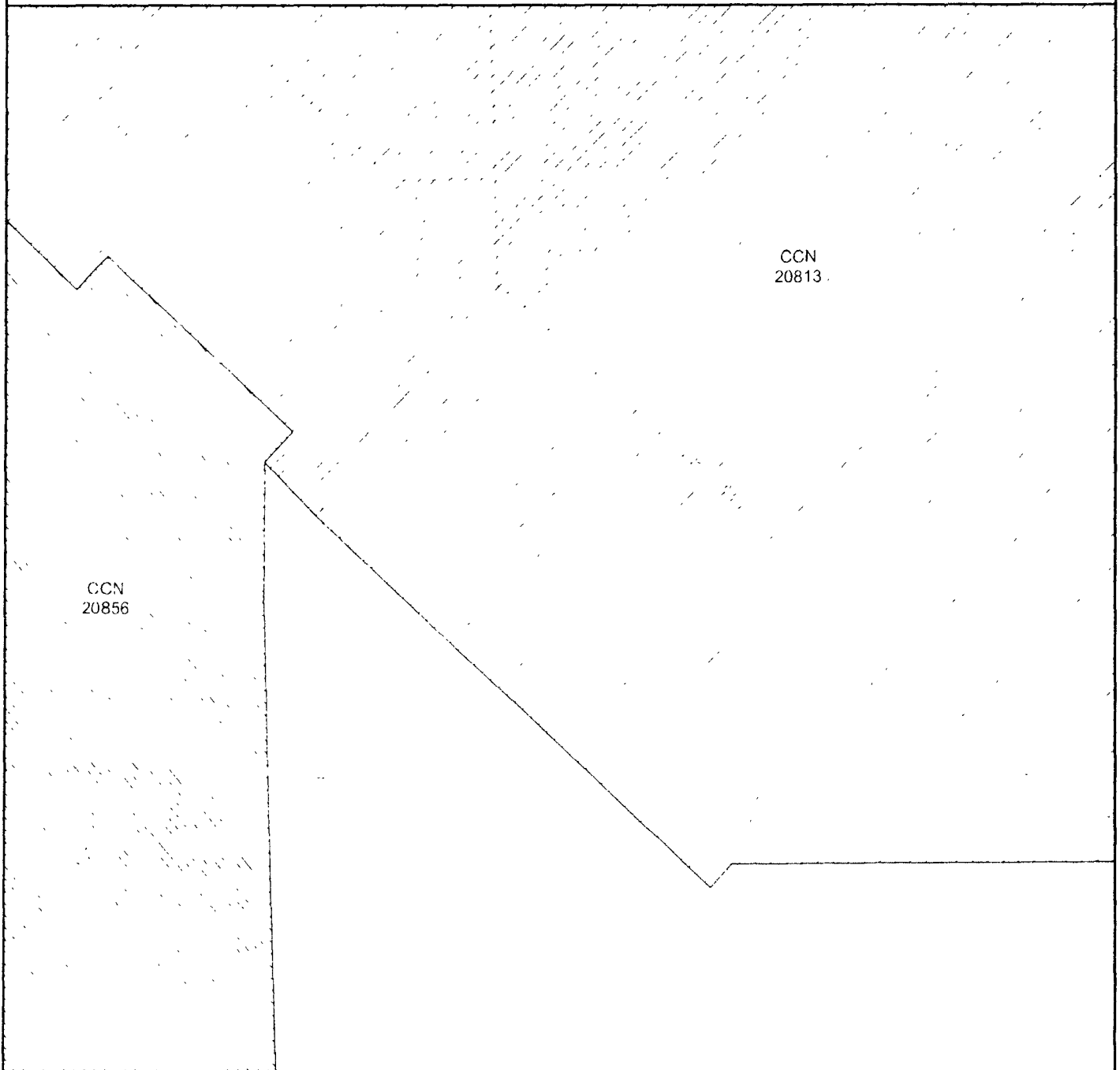
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Royse City is entitled to this

Certificate of Convenience and Necessity No. 20813

to provide continuous and adequate sewer utility service to that service area or those service areas in Collin, Hunt and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47112 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 Royse City, 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 24th day of May 2018.

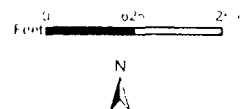
City of Royse City
Portion of Sewer CCN No. 20813
PUC Docket No. 47112
Transferred all of Parker Creek Estates, LP, CCN No. 20968 in Rockwall County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78761

Sewer CCN

-  20813 - City of Royse City
-  20856 - City of Fate



Map by: Konrad Papp
Date created: April 7, 2018
Project Path: final\royse\1
47112CityofRoyseCitySewer.mxd