



Control Number: 47173



Item Number: 15

Addendum StartPage: 0

DOCKET NO. 47173

RECEIVED

2018 JAN -9 AM 9: 29

**APPLICATION OF AQUA WATER
SUPPLY CORPORATION AND CITY
OF SMITHVILLE FOR APPROVAL
OF A SERVICE AREA CONTRACT
UNDER TEXAS WATER CODE
§ 13.248 AND TO AMEND
CERTIFICATES OF CONVENIENCE
AND NECESSITY IN BASTROP
COUNTY**

PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 3 and Final Recommendation. In support thereof, Staff would show the following:

I. BACKGROUND

On May 16, 2017, Aqua Water Supply Corporation (Aqua) and the City of Smithville filed an application, pursuant to Texas Water Code § 13.248, for approval of an agreement that would amend their water certificates of convenience and necessity (CCN) in Bastrop County. Aqua holds water CCN No. 10294 and the City holds water CCN No. 10946. Aqua and the City have agreed to amend their respective water CCNs to transfer certain certificated service areas from Aqua's CCN No. 10294 to the City's CCN No. 10946. The total area being requested includes approximately 834 acres and no customers. Aqua agrees to decertification of the proposed water service transfer area as described in the application.

On October 4, 2017, Order No. 4 was issued, requiring Staff to file a final recommendation by January 9, 2018. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Staff has reviewed the application and supplemental materials and recommends that it be approved, as supported by Attachment A to this pleading, the memorandum of Leila Guerrero of the Water Utility Regulation Division. The final map and certificates (Attachment B) were consented by Aqua and the City of Smithville and the consent forms were filed with the Commission on December 12, 2017. Staff further recommends that Aqua and the City of

Smithville file certified copies of the CCN maps along with a written description of the CCN service area in the county clerk's office of Bastrop County, pursuant to TWC §§ 13.257 (r)-(s).

III. CONCLUSION

Staff respectfully requests that the ALJ issue an order reflecting the above recommendation.

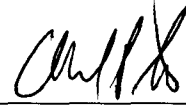
Dated: January 9, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Alexander Petak
State Bar No. 24088216
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
Alexander.Petak@puc.texas.gov

**DOCKET NO. 47173
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 9, 2018 in accordance with 16 TAC § 22.74.



Alexander Petak

ATTACHMENT A

Public Utility Commission of Texas

Interoffice Memorandum

TO: Alexander Petak, Attorney
Legal Division

THRU: Tammy Benter, Director
Heidi Graham, Manager
Water Utility Regulation Division

FROM: Leila Guerrero, Regulatory Accountant/Auditor
Water Utility Regulation Division

DATE: January 5, 2018

SUBJECT: **Docket No. 47173**, *Application of Aqua Water Supply Corporation and City of Smithville for Approval of a Service Area Contract Under Texas Water Code §13.248 and to Amend Certificates of Convenience and Necessity in Bastrop County*

On May 16, 2017, Aqua Water Supply Corporation ("Aqua WSC") and City of Smithville ("City"), (collectively Applicants) filed an application with the Public Utility Commission of Texas ("Commission") for approval of a service area contract under Tex. Water Code §13.248 (TWC), to amend Certificates of Convenience and Necessity (CCN) Nos. 10946 (City) and 10294 (Aqua WSC) in Bastrop County, Texas.

The Applicants have agreed to transfer a portion of water service area, approximately 834 acres, from Aqua WSC, CCN No. 10294, to City of Smithville, CCN No. 10946.

Notice was not required for this application because there are no affected customers in the area subject to the transfer.

The application meets all of the statutory requirements of TWC Chapter 13 and 16 Tex. Admin. Code Chapter 24 rules and regulations. Staff recommends approval of the application.

The Applicants consented to the attached maps and certificates, on December 12, 2017.

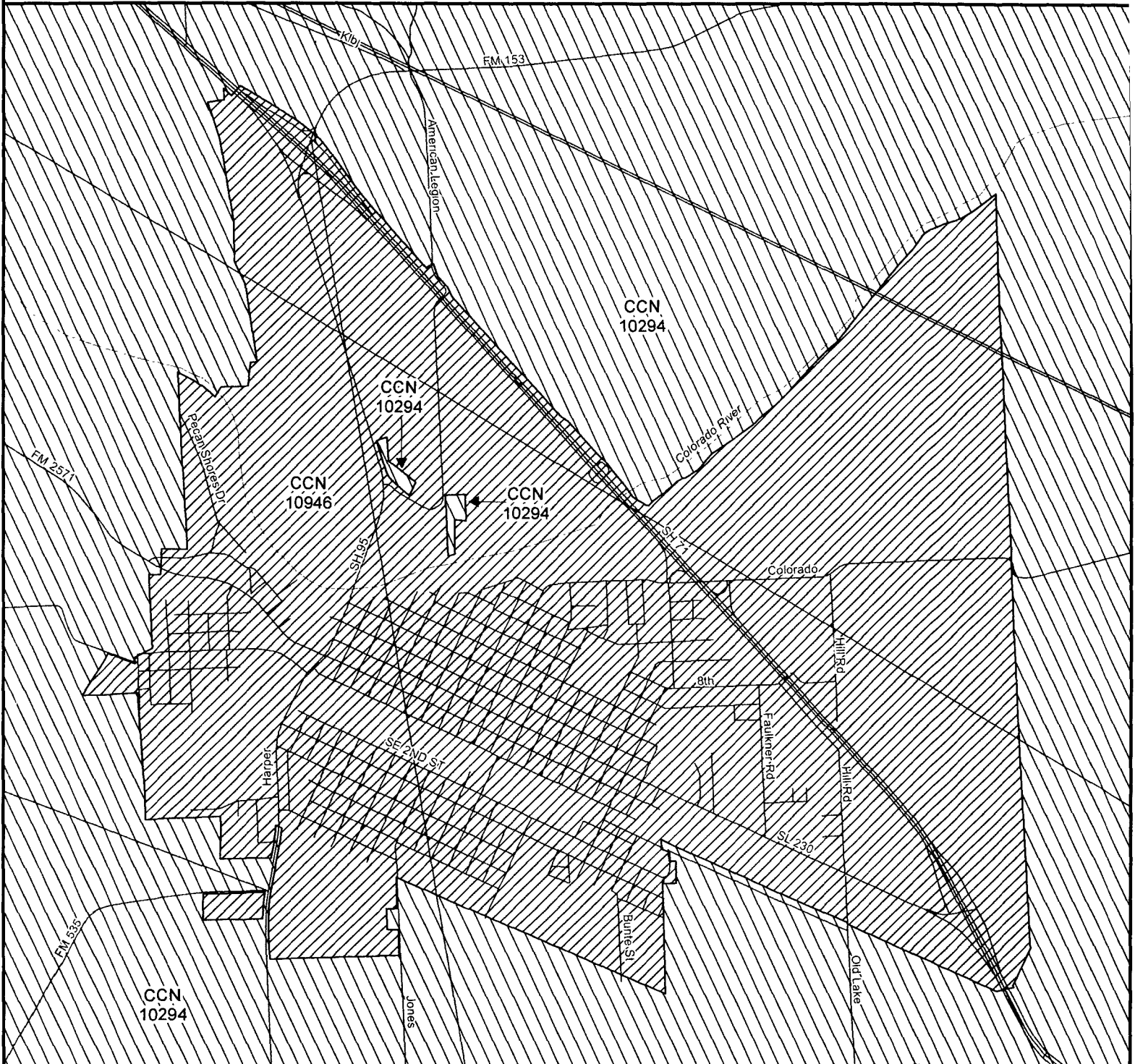
Based on the above information, Staff recommends the Commission do the following:

- Issue an order approving the application;
- Provide the attached maps and certificates to the Applicants.

Staff further recommends that the Applicants file certified copies of the CCN maps along with a written description of the CCN service areas in the county clerk's office pursuant to TWC §§ 13.257 (r)-(s).



ATTACHMENT B

City of Smithville
Water CCN No. 10946
PUC Docket No. 47173
13.248 Agreement Amended CCN No. 10946 and
Decertified a Portion of Aqua Water Supply Corporation, CCN No. 10294 in Bastrop County



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

Water CCN

-  10946 - City of Smithville
-  10294 - Aqua WSC

0 1,250 2,500
Feet



Map by: Komal Patel
Date created: October 2, 2017
Project Path: n:\finalmapping\47173CityofSmithville.mxd



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 County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47173 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 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, this _____ day of _____ 2018.



Public Utility Commission of Texas

By These Presents Be It Known To All That
City of Smithville

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 Smithville is entitled to this

Certificate of Convenience and Necessity No. 10946

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47173 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 Smithville, 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.