



Control Number: 47173



Item Number: 19

Addendum StartPage: 0

DOCKET NO. 47173

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

NOTICE OF APPROVAL

This Notice addresses the application of Aqua Water Supply Corporation and City of Smithville for approval and enforcement of a service area contract to amend their water certificates of convenience and necessity (CCN) Nos. 10294 and 10946, respectively, in Bastrop County, under Texas Water Code (TWC) § 13.248 and 16 Texas Administrative Code (TAC) § 24.117. Commission Staff recommended approval of the application. The application is approved, as amended.

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

I. Findings of Fact

Procedural History

1. On May 16, 2017, Aqua and Smithville filed a joint application with the Commission for approval of a customer service agreement between applicants under TWC § 13.248 and 16 TAC § 24.117 to transfer approximately 907 acres of Aqua's water CCN No. 10294 to Smithville's water CCN No. 10946 in Bastrop County.
2. On June 29, 2017, the application was supplemented in response to Order No. 2 to revise the maps and digital data initially provided with the application, reducing the water CCN area to be transferred to approximately 834 acres, and a revised agreement was filed.
3. On September 1, 2017, the application was supplemented in response to Order No. 3 to revise the maps and digital data previously provided with the application.

4. On October 4, 2017, Order No. 4 was issued deeming the application sufficient and administratively complete.
5. On December 7, 2017, Commission Staff provided final maps, certificates, and tariffs to the applicants for their review and consent.
6. On December 12, 2017, Smithville and Aqua each provided their consent to the Commission Staff's CCN maps and certificates.
7. On January 9, 2018, Commission Staff filed a final recommendation for approval of the application.
8. On January 17, 2018, the parties filed a joint motion to admit evidence and notice of approval. The maps and certificates discussed in Finding of Fact Nos. 5 and 6 are attached to this Notice.

Notice

9. On June 2, 2017, notice of this proceeding was published in the *Texas Register*.
10. No additional notice of this application was required.

Evidentiary Record

11. On January 29, 2018, Order No. 5 was issued admitting evidence into the record of this docket.

Informal Disposition

12. More than 15 days have passed since the completion of the notice provided in this docket.
13. There were no protests or hearing requests filed in response to the public notice.
14. Commission Staff, Aqua, and Smithville are the only parties to this proceeding.
15. No issues of fact or law are in dispute by any party.

II. Conclusions of Law

1. The Commission has jurisdiction over these matters under TWC §§ 13.041 and 13.248.
2. Aqua is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).

3. Smithville is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
4. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.117.
5. The application meets the requirements set forth in TWC § 13.248 and 16 TAC § 24.117.
6. After considering the factors in TWC § 13.248, Aqua and Smithville are entitled to approval of their agreement to transfer areas within their respective certificates of convenience and necessity, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241(a).
7. 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).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), Aqua and Smithville are 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.
9. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

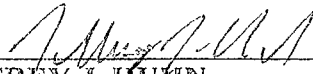
In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. The application is approved, as amended.
2. Smithville's water CCN No. 10946 is amended to reflect that approximately 834 acres has been transferred from Aqua's water CCN No. 10294 to Smithville. Aqua's CCN No. 10294 is amended to reflect the removal of the same service area in Bastrop County.
3. Aqua shall serve every customer and applicant for service within the areas certified under CCN No. 10294, and such service shall be continuous and adequate.

4. Aqua shall comply with the recording requirements in TWC § 13.257(r) for the area in Bastrop 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. Smithville serve every customer and applicant for service within the areas certified under CCN No. 10946, and such service shall be continuous and adequate.
6. Smithville shall comply with the recording requirements in TWC § 13.257(r) for the area in Bastrop 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 2nd day of February 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 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 2nd day of FEBRUARY 2018.



Public Utility Commission of Texas

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

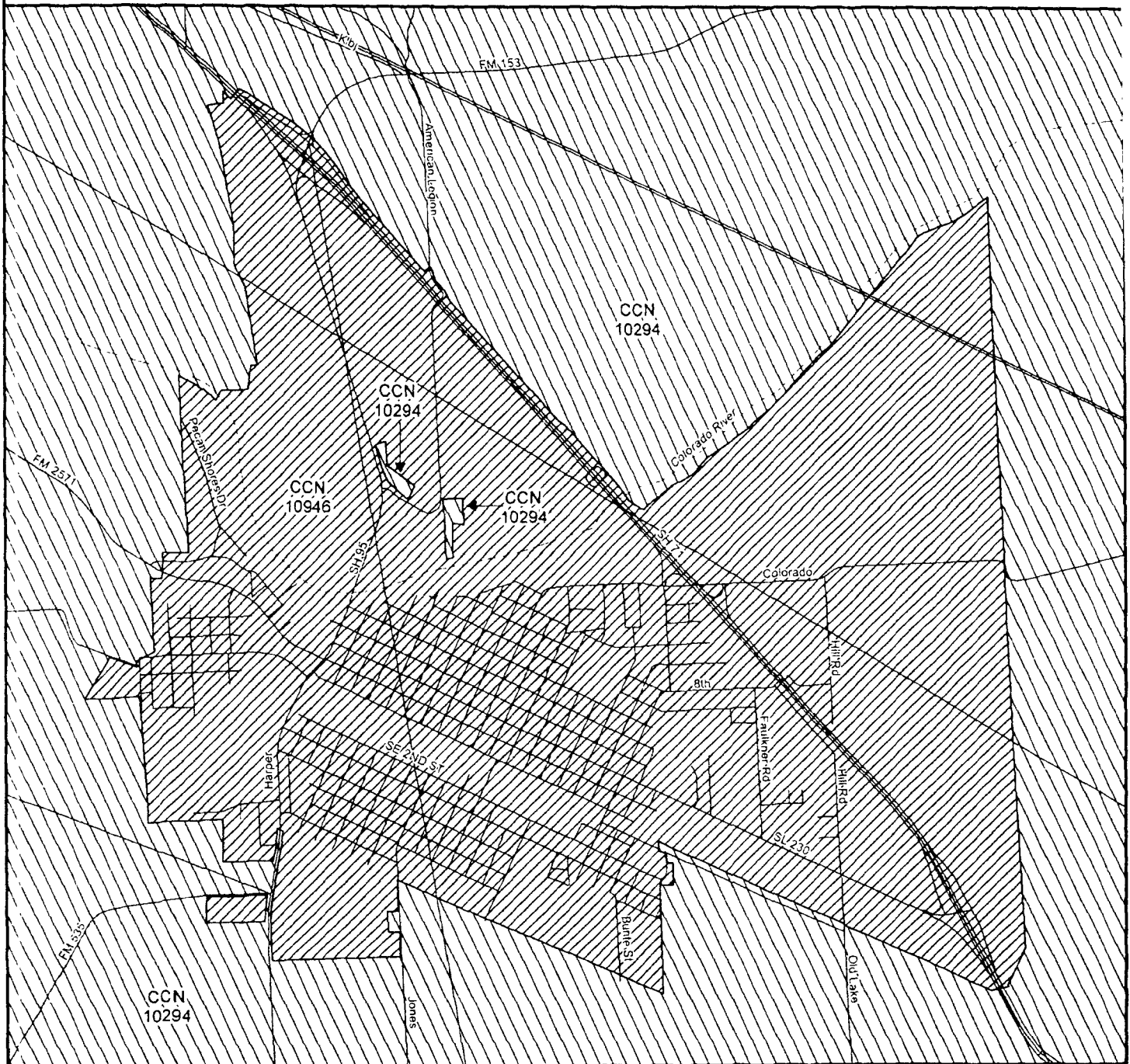
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Smithville is entitled to this

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 2nd day of February 2018.

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