



Control Number: 47200



Item Number: 24

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DOCKET NO. 47200

RECEIVED

APPLICATION OF UNION GROVE §
WATER SUPPLY CORPORATION §
TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
AND FOR DUAL CERTIFICATION §
IN CERTAIN AREAS IN UPSHUR §
COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

2018 FEB 27 PM 1:25
PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT MOTION TO ADMIT EVIDENCE AND NOTICE OF APPROVAL

COMES NOW, the Staff of the Public Utility Commission of Texas (Staff), on behalf of itself and Union Grove Water Supply Corporation (Union Grove or Applicant) (together the "Parties), and files this Joint Motion to Admit Evidence, and Notice of Approval. In support thereof, the Parties show the following:

BACKGROUND

On May 23, 2017, Union Grove filed with the Commission an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10514 in Upshur County, Texas. Staff filed a final recommendation of approval on February 13, 2018. Pursuant to Commission Administrative Law Judge Order No. 6, the Parties timely file this joint motion to admit evidence and notice of approval.

JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

1. Union Grove application, filed on May 23, 2017, as to add three new areas of service that total approximately 2,212 acres and include 35 current customers and seeks to be dually-certificated with the City of East Mountain in a portion of the new service area;
2. The affidavits and proof of notice, filed on October 30, 2017;
3. The consent forms to the final map and certificates, filed on January 31, 2017; and

4. Commission Staff's Final Recommendation that the Application be approved, filed on February 13, 2018.

JOINT PROPOSED NOTICE OF APPROVAL

Staff and Union Grove have agreed on the attached Joint Proposed Notice of Approval to grant Union Grove's Application to amend water CCN No. 10514 in Upshur County, Texas. Also attached are the final map and certificates that were included in Staff's final recommendation.

CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

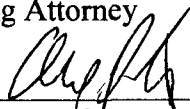
Dated: February 27, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director


Karen S. Hubbard
Managing Attorney



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**DOCKET NO. 47200
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record February 27, 2018, in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

DOCKET NO. 47200

APPLICATION OF UNION GROVE	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
TO AMEND CERTIFICATES OF	§	OF TEXAS
CONVENIENCE AND NECESSITY	§	
AND FOR DUAL CERTIFICATION	§	
IN CERTAIN AREAS IN UPSHUR	§	
COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application (Application) of Union Grove Water Supply Corporation (Union Grove) for to amend its water Certificate of Convenience and Necessity (CCN) and to obtain dual certification with a portion of the City of East Mountain in Upshur County, Texas. The Public Utility Commission (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 and Background

1. On May 23, 2017, Union Grove filed an Application to amend its water CCN No. 10514 and for dual certification in certain areas of Upshur County, Texas.
2. On May 26, 2017, Order No. 1 was issued, requiring comments on administrative completeness and notice, requesting procedural schedule, and addressing other procedural matters.
3. On September 29, 2016, the Administrative Law Judge ("ALJ") issued Order No. 2 deeming the application administratively complete.
4. On October 3, 2017, Order No. 4 was issued, finding that the Application was administratively complete and required Union Grove to provide notice.
5. On November 17, 2017, Order No. 5 was issued, finding notice sufficient.
6. On January 31, 2018, Union Grove and the city of East Mountain filed consent forms agreeing with the certificates and map.
7. On December 5, 2017, Commission Staff filed its Final Recommendation, which recommended that the application be approved.

8. On _____, Order No. _____ was issued, admitting evidence into the record of this proceeding.

Notice

9. On May 26, 2017, the Commission issued notice of Union Grove's application.
10. On October 3, 2017, Union Grove mailed notice of the Application to current customers, neighboring utilities, and affected parties.
11. An affidavit that attests to this notice was dated October 24, 2017.
12. Notice of the application was published in The Magnolia Potpourri on October 5, 2017 and October 12, 2017.
13. On October 24, 2017, affidavits of notice and publication were filed.
14. Evidentiary Record

15. Informal Disposition

16. More than 15 days have passed since completion of the notice provided in this docket.
17. Union Grove and Commission Staff are the only parties to this proceeding.
18. No requests for a hearing have been filed and no issues of fact or law are disputed by the parties. Therefore, no hearing is necessary.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041, 13.241, and 13.246 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.106, and 24.107 (TAC).
2. Union Grove is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Union Grove provided notice of the Application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), Union Grove is entitled to approval of the application, having demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the request area and its current service area as required by TWC § 13.241.

6. Union Grove has demonstrated that the Application meets the requirements set forth in TWC §§ 13.241 and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted a CCN.
7. Approval of the Application is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
8. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), Union Grove 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.
9. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

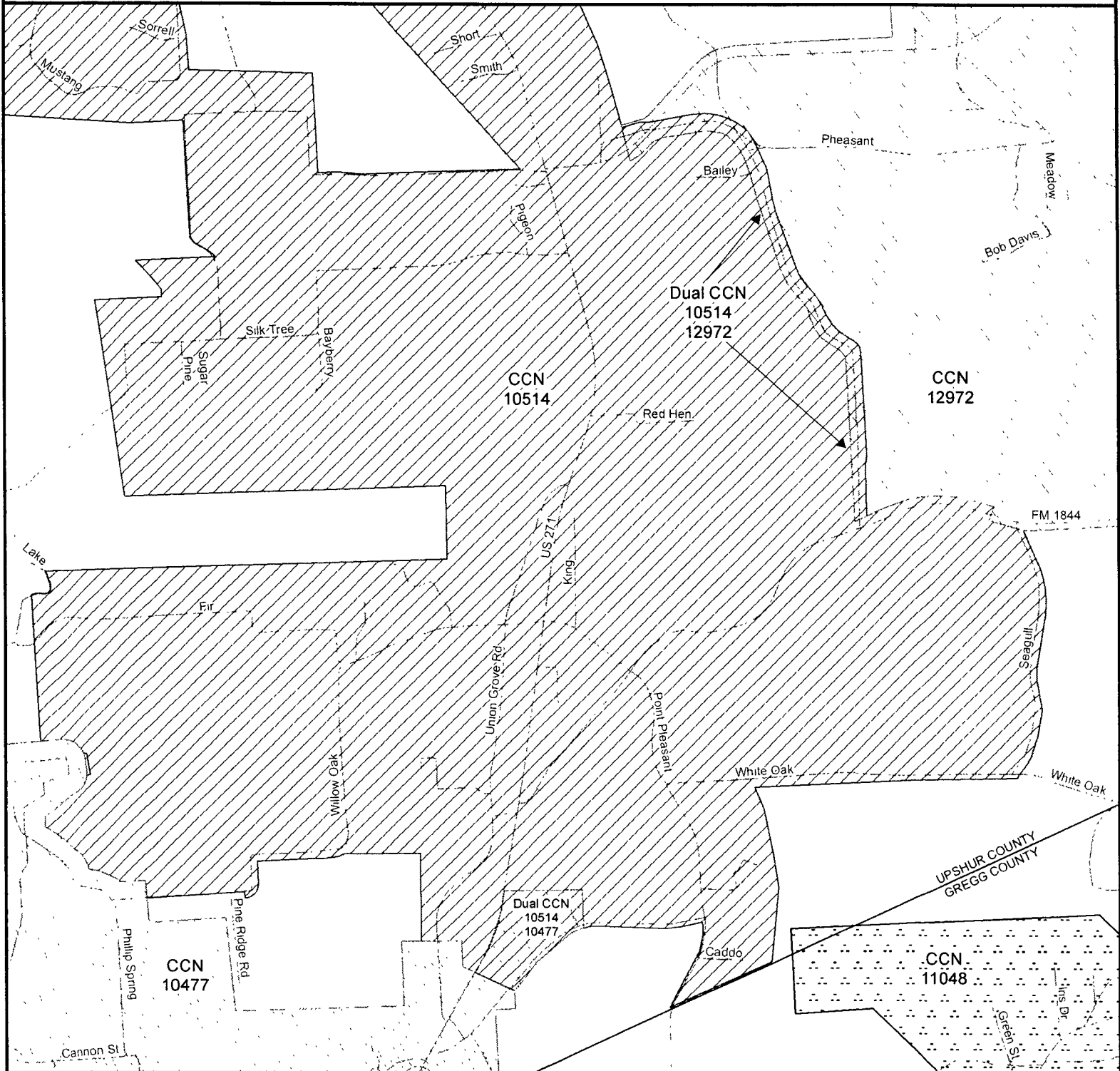
1. The Application for a water CCN amendment in Upshur County, Texas is approved.
2. Union Grove's water CCN No. 10514 is amended, consistent with this Notice.
3. Union Grove shall serve every customer and applicant for service within the areas certified under its water CCN, and such service shall be continuous and adequate.
4. Union Grove shall comply with the recording requirements in TWC § 13.257(r) for the area in Upshur 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 _____ day of _____ 2017.

PUBLIC UTILITY COMMISSION OF TEXAS





ADMINISTRATIVE LAW JUDGE

Union Grove Water Supply Corporation
Portion of CCN No. 10514
PUC Docket No. 47200
Amended CCN No. 10514 in Upshur County



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

Water CCN

-  10514 - Union Grove WSC
-  10477 - City of Gladewater
-  12972 - City of East Mountain
-  11048 - City of Clarksville City

0 1,500 3,000
Feet



Map by Komal Patel
 Date created December 15, 2017
 Project Path n\Finalmapping\47200UnionGrove.mxd



Public Utility Commission of Texas

**By These Presents Be It Known To All That
City of East Mountain**

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 East Mountain is entitled to this

Certificate of Convenience and Necessity No. 12972

to provide continuous and adequate water utility service to that service area or those service areas in Upshur & Gregg County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47200 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 East Mountain, 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 Union Grove 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, Union Grove Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10514

to provide continuous and adequate water utility service to that service area or those service areas in Upshur County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47200 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 Union Grove 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.