



Control Number: 47200



Item Number: 26

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DOCKET NO. 47200

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

PUBLIC UTILITY COMMISSION
2018 APR -3 PM 4:02
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Union Grove Water Supply Corporation to amend a certificate of convenience and necessity and for dual certification in certain areas of Upshur County. Commission Staff recommended approval of the final application. The application, as supplemented, 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 Water Supply Corporation filed an application to amend water certificate of convenience and necessity (CCN) No. 10514 and for dual certification with the City of East Mountain, CCN No. 12972, in certain areas in Upshur County.
2. On May 26, 2017, Order No. 1 was issued requiring Commission Staff comments and recommendation.
3. On June 23, 2017, Commission Staff recommended that the application be deemed administratively incomplete and insufficient for filing.
4. On June 28, 2017, Order No. 2 was issued finding the application incomplete and deficient: and establishing deadlines and an opportunity to cure.
5. On July 19, 2017 and July 25, 2017, Union Grove filed supplemental information to the application.
6. On July 31, 2017, Commission Staff recommended that the application remained administratively incomplete and insufficient for filing.

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7. On August 25, 2017 and September 25, 2017, Union Grove filed supplemental information to the application.
8. On September 29, 2017, Commission recommended that the application be found administratively complete, notice be issued, and a procedural schedule be established.
9. On October 3, 2017, Order No. 4 was issued finding the application administratively complete, requiring notice and establishing a procedural schedule.
10. On November 16, 2017, Commission Staff recommended that Union Grove's notice be deemed sufficient.
11. November 17, 2017, Order No. 5 was issued finding the provision of Union Grove's notice sufficient.
12. On January 31, 2018, Union Grove and the City of East Mountain filed signed consent forms agreeing to the map and certificates as prepared by Commission Staff.
13. On February 13, 2018, Commission Staff recommended approval of the application, as supplemented.
14. On February 27, 2018, the parties filed a motion to admit evidence.
15. The map and certificate described in finding of fact 12 are attached to this Notice.
16. On March 16, 2018, Order No. 7 was issued admitting evidence into the record of this proceeding.

Notice

17. On October 30, 2017, Union Grove provided supporting documentation that individual notice of the application had been provided to current customers, neighboring utilities, and affected parties on October 3, 2017.
18. On October 5, 2017 and October 12, 2017, Union Grove provided published notice of the application in the *Gilmer Mirror*.
19. On October 30, 2017, Union Grove filed affidavits of proof of individual and published notice.

Union Grove's Amendment

20. Union Grove requests authority to add three new areas of service that total approximately 2,190 acres, includes 35 current customers, and also seeks to be dually-certificated with the City of East Mountain in a portion of the new service area.
21. Union Grove's supplements to the application: (a) removed gaps and overlaps between the requested areas and the City of East Mountain; (b) removed the overlap between the requested area and a portion of the corporate boundaries of the City of East Mountain; and (c) included written consent from the City of Union Grove, which resolved the overlap with a portion of the City of Union Grove's corporate boundaries.
22. As a result of Union Grove's supplements to the application, the amount of area requested was reduced from 2,212 acres to 2,190 acres.
23. The requested area is located approximately two to four miles north-northeast of downtown Gladewater and is generally bounded on the north by the intersection of FM 726 and Bob-O-Link Road, on the east by 250 feet east of Seagull Road, on the south by 100 feet south of Willow Oak Road, and on the west by East Lake Drive.
24. Union Grove's application included a memorandum of agreement concerning the amendment and the area to be dually certificated with the City of East Mountain. The City of East Mountain agreed to dually certificate the area from Highway 1844 on Bob-O-Link road to Pheasant Trail and west to the existing Union Grove water supply facility because it does not currently have any facilities in the area.
25. Union Grove has a Texas Commission on Environmental Quality (TCEQ) approved PWS No. 2300008.
26. Union Grove has no violations listed in the TCEQ database.
27. There will be no effect on any retail public utility serving the proximate area, because there are no other water providers in the area.
28. Union Grove has demonstrated that it has the financial resources to operate and manage the utility and the ability to provide continuous and adequate service to the requested area.

29. Granting Union Grove's CCN amendment will not adversely impact the environmental integrity of the requested area.

Informal Disposition

30. More than 15 days have passed since completion of the notice provided in this docket.
31. No protests, motions to intervene, or requests for hearing were filed.
32. Union Grove, the City of East Mountain, and Commission Staff are the only parties to this proceeding.
33. No issues of fact or law are disputed by any party.

II. Conclusions of Law

1. Union Grove and the City of East Mountain are retail public utilities as defined in Texas Water Code (TWC)¹ § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
2. The Commission has jurisdiction over Union Grove's application under TWC §§ 13.241, 13.244, and 13.246.
3. Notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of the Administrative Procedure Act,² the TWC, and Commission rules.
5. After considering the relevant factors in TWC § 13.246(c), Union Grove has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.
6. 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).
7. Under TWC § 13.257(r) and (s), Union Grove and the City of East Mountain are required to record a certified copy of the approved certificates and map, along with a boundary description of the service area, in the real property records of each county in which the

¹ Tex. Water Code Ann. § 13.002(19) (West 2008 & Supp. 2017) (TWC)

² Tex. Gov't Code Ann. §§ 2001.001–.902 (West 2016 & Supp. 2017).

service area or a portion of the service area is located, and submit to the Commission evidence of the recording.

8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

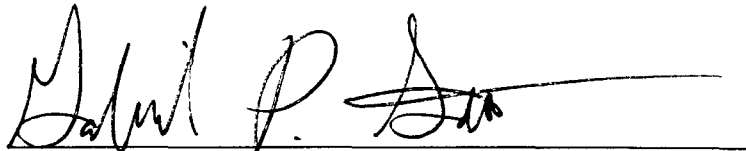
III. Ordering Paragraphs

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

1. Union Grove's application, as supplemented, is approved.
2. Union Grove's water CCN No. 10514 is amended, consistent with this Notice.
3. The City of East Mountain's water CCN No. 12972 is amended, consistent with this Notice.
4. The Commission's official service area boundary maps for Union Grove and the City of East Mountain shall reflect this amendment as shown in the attached map.
5. Union Grove shall serve every customer and applicant for service within the areas certified under water CCN No. 10514 and such service shall be continuous and adequate.
6. The City of East Mountain shall serve every customer and applicant for service within the areas certified under water CCN No. 12972 and such service shall be continuous and adequate.
7. Union Grove and the City of East Mountain shall comply with the recording requirements in TWC § 13.257(r) and (s) 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.
8. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 3rd day of April 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Gabriel P. Soto', is written over a horizontal line.

GABRIEL P. SOTO
ADMINISTRATIVE LAW JUDGE

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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 3RD day of April 2018.



Public Utility Commission of Texas

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

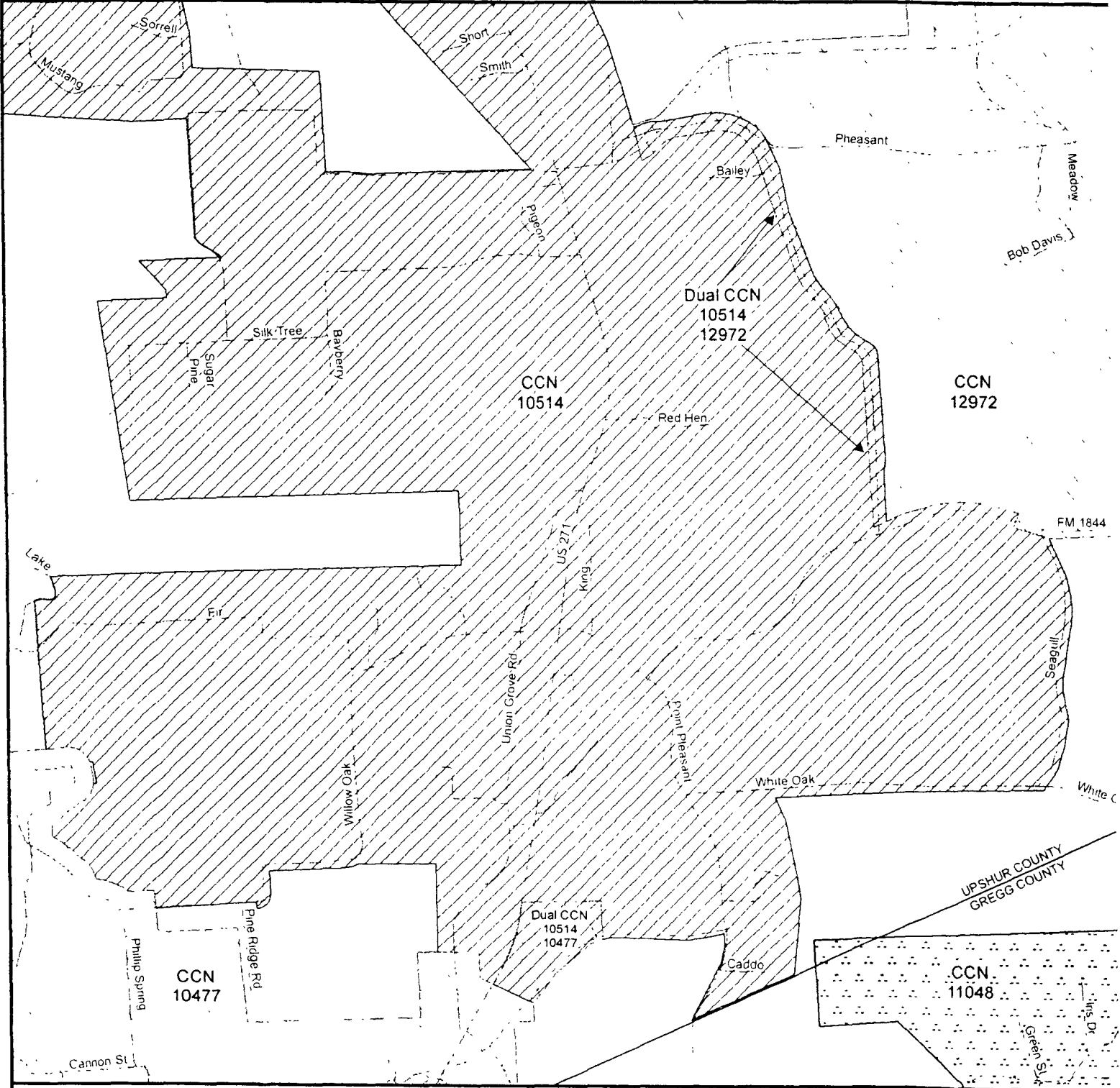
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of East Mountain is entitled to this

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 3RD day of April 2018.

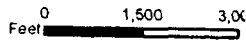
Union Grove Water Supply Corporation
Portion of CCN No. 10514
PUC Docket No. 47200
Amended CCN No. 10514 in Upshur County



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



Map by Komal Pat
 Date created December 15, 2009
 Project Path n:\vinalmapping\47200\unior\000009,