



Control Number: 47230



Item Number: 16

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**DOCKET NO. 47230**

**APPLICATION OF HICKORY CREEK §  
SPECIAL UTILITY DISTRICT TO AMEND A §  
WATER CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN HUNT AND FANNIN §  
COUNTIES §**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

COME NOW, the Hickory Creek Special Utility District together with the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

**I. BACKGROUND**

On June 1, 2017, the Hickory Creek Special Utility District filed with the Commission an application to amend a water certificate of convenience and necessity (CCN) in Hunt, Fannin and Collin Counties. On August 3, 2017, Hickory Creek Special Utility District filed revisions to its CCN application. On September 8, 2017, the Commission Administrative Law Judge (ALJ) issued Order No. 3, which deemed the Hickory Creek Special Utility District's application administratively complete. On November 1, 2017, the Commission ALJ issued Order No. 4, which deemed the Hickory Creek Special Utility District's notice of its application sufficient.

**II. JOINT MOTION TO ADMIT EVIDENCE**

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

- (a) Hickory Creek Special Utility District's Application, filed on June 1, 2017 (AIS Item No. 1);
- (b) Hickory Creek Special Utility District's supplement to its application filed on August 3, 2017 (AIS Item No. 7);
- (c) The affidavits of notice filed on October 19, 2017 (AIS Item No. 10);
- (d) Hickory Creek Special Utility District's consent forms to the final map and certificate, filed January 18, 2018 (AIS Item No. 14);

- (e) Commission Staff's final recommendation that the Application be approved, along with the map and certificate attached to that recommendation, filed January 31, 2018 (AIS Item No. 15).

### **III. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would grant Hickory Creek Special Utility District's Application for an amended water CCN No. 10809 in Hunt and Fannin Counties, Texas. Also attached are the final map and certificate that were included in Staff's final recommendation filed on January 31, 2018.

### **IV. 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 7, 2018

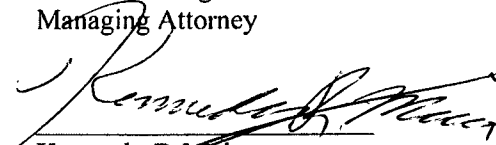
Respectfully Submitted,

**FOR COMMISSION STAFF**

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**FOR THE HICKORY CREEK SPECIAL UTILITY DISTRICT**



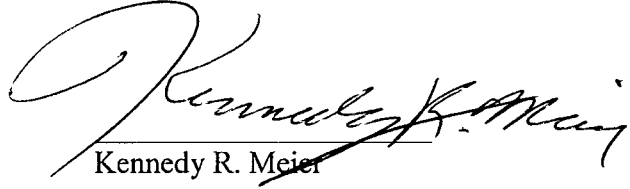
Brad White, Board President



Tammy Cross, Secretary

**DOCKET NO. 47230**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 7, 2018 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

**DOCKET NO. 47230**

<b>APPLICATION OF HICKORY CREEK</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SPECIAL UTILITY DISTRICT TO AMEND A</b>	<b>§</b>	
<b>WATER CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN HUNT AND FANNIN</b>	<b>§</b>	
<b>COUNTIES</b>		

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the Hickory Creek Special Utility District for an amended water certificate of convenience and necessity (CCN) No. 10809 in Hunt, Fannin and Collin Counties, Texas. The Public Utility Commission Staff (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**

1. On June 1, 2017, the Hickory Creek Special Utility District filed with the Commission an application to amend a water certificate of convenience and necessity (CCN) in Hunt, Fannin and Collin Counties and for Partial Dual Certification with City of Wolfe City. Hickory Creek Special Utility District seeks to amend water CCNs for its service area containing approximately 10,957 acres and serving 42 current customers.
2. On June 5, 2017, Order No. 1 was issued, requiring comments on administrative completeness and notice; requesting procedural schedule, and addressing other procedural matters.
3. On July 6, 2017, Order No. 2 was issued, finding application incomplete and deficient; establishing deadlines and opportunity to cure.
4. On August 3, 2017, Hickory Creek Special Utility District filed a supplement to its application, which revised its requested area and removed its request for partial dual certification with the City of Wolfe City, resulting in a requested area containing approximately 9,074 acres and 42 current customers.
5. On September 8, 2017, Order No. 3 was issued, deeming the application administratively complete, addressing notice, establishing a procedural schedule, and restyling the docket.

6. On October 20, 2017, Gregory and Gina Moulder filed a request to "opt out" of the proposed CCN.
7. On November 1, 2017, Order No. 4 was issued, deeming notice sufficient and establishing a procedural schedule.
8. On January 18, 2018, Hickory Creek Special Utility District filed a form consenting to the CCN service area map and certificate transmitted by Commission Staff.
9. On January 31, 2018, Commission Staff filed a Final Recommendation, recommending that the application be approved.
10. The final map and CCN certificate referenced in Findings of Fact No. 8 are attached to this Notice of Approval.

#### **Notice**

11. On September 22, 2017, Hickory Creek Special Utility District mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
12. Hunt County notice was provided by publication in the *Herald Banner* on September 27<sup>th</sup>, 2017 and October 4<sup>th</sup> 2017.
13. Fannin County notice was provided by publication in the *Fannin County Leader* on October 3<sup>rd</sup>, 2017 and October 10<sup>th</sup> 2017.
14. On October 19, 2017 Hickory Creek Special Utility District filed an affidavit attesting to mailed notice, including copies of individual notices, and publisher's affidavits.

#### **Evidentiary Record**

15. On \_\_\_\_\_, Order No. \_\_\_\_ was issued, admitting evidence into the record of this proceeding.

#### **Informal Disposition**

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. Hickory Creek Special Utility District and Commission Staff are the only remaining parties to this proceeding.
18. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

## **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.041, 13.241, 13.244, and 13.246 (West 2008 & Supp. 2017) (TWC).
2. Hickory Creek Special Utility District is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(59) (TAC).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-102 and 24.104-106.
5. After considering the factors in TWC § 13.246(c), Hickory Creek Special Utility District is entitled to approval of the application, 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).
6. 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).
7. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), Hickory Creek Special Utility District 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.
8. The requirements for informal disposition pursuant to 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. Hickory Creek Special Utility District's application is approved.
2. Hickory Creek Special Utility District's water CCN No. 10809 is hereby amended, consistent with this Notice.

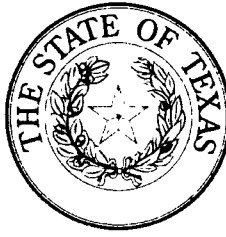
3. Hickory Creek Special Utility District shall comply with the recording requirements in TWC § 13.257(r) for the areas in Hunt and Fannin Counties affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
4. All other motions, 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 on the \_\_\_\_ day of \_\_\_\_\_, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Hickory Creek Special Utility District**

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, Hickory Creek Special Utility District is entitled to this

## **Certificate of Convenience and Necessity No. 10809**

to provide continuous and adequate water utility service to that service area or those service areas in Fannin, Hunt and Collin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47230 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Hickory Creek Special Utility District, 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, the \_\_\_\_\_ day of \_\_\_\_\_ 2017.

[illegible]

Map by Komal Patel  
Date created December 29, 2017  
Project Path n:\vinalmapping\47230HickoryCreekSUD.mxd