



Control Number: 47230



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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**

2017 JUN 20 PM 3:55

NOTICE OF APPROVAL

This Notice addresses the application of the Hickory Creek Special Utility District (Hickory Creek) to amend certificate of convenience and necessity (CCN) 10809 in Hunt and Fannin Counties. Commission Staff recommended approval of the application. The application, as amended, is approved.

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

I. Findings of Fact

Procedural History and Background

1. On June 1, 2017, Hickory Creek filed an application to amend CCN 10809 in Hunt, Fannin and Collin Counties and for partial dual certification with the City of Wolfe City, expanding its service area by approximately 10,957 acres where it serves 42 current customers.
2. On June 5, 2017, Order No. 1 was issued requiring comments on administrative completeness and notice, requesting a procedural schedule and addressing other procedural matters.
3. On July 6, 2017, Order No. 2 was issued finding the application incomplete and deficient, establishing deadlines and an opportunity to cure.
4. On August 3, 2017, Hickory Creek filed a supplement to the application, which revised its requested area and removed the request for partial dual certification with 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 finding 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 area.
7. On November 1, 2017, Order No. 4 was issued finding notice sufficient and establishing a procedural schedule.
8. On January 18, 2018, Hickory Creek filed a form consenting to the service area map and certificate transmitted by Commission Staff.
9. On January 31, 2018, Commission Staff filed a final recommendation, recommending the application be approved.

Notice

10. On September 22, 2017, Hickory Creek mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
11. Hickory Creek provided notice by publication on September 27, 2017 and October 4, 2017 in the *Herald Banner*, a newspaper of general circulation in Hunt County and on October 3, 2017 and October 10, 2017 in the *Fannin County Leader*, a newspaper of general circulation in Fannin County.
12. On October 19, 2017 Hickory Creek filed an affidavit attesting to notice, including copies of individual notices and publisher's affidavits.

Evidentiary Record

13. On February 20, 2018, Order No. 5 was issued admitting evidence into the record of this proceeding.

Informal Disposition

14. More than 15 days have passed since the completion of notice.
15. Hickory Creek and Commission Staff are the only parties to this proceeding.
16. No issues of fact or law remain disputed by either party.

Service Area Requested

17. Hickory Creek operates an approved public water system to serve customers in its certificated service area and to serve the requested area where it is currently providing adequate service to 42 customers.
18. There is a need for service in the requested area where Hickory Creek will continue to serve its 42 existing customers and where other landowners have requested service.
19. Because Hickory Creek is already serving in the requested area, granting the CCN amendment will not adversely affect Hickory Creek, other landowners, or any other retail public utility serving the proximate area.
20. Hickory Creek is able to provide adequate service to the requested area with its existing production, storage, and distribution systems and facilities. The requested area is adjacent to Hickory Creek's boundaries, so a separate water system is not required.
21. It is not feasible for an adjacent utility to provide service to the requested area because Hickory Creek is already serving the requested area.
22. Hickory Creek demonstrated that it has sufficient financial resources to operate and manage the utility and the financial stability to provide continuous and adequate service to its existing and requested service area.
23. Granting the CCN amendment will not adversely impact environmental integrity or the land as the requested area is already developed and being served.
24. Granting the CCN amendment will allow Hickory Creek to facilitate system analysis and facility improvements.

II. Conclusions of Law

1. Hickory Creek is a retail public utility as defined in Texas Water Code § 13.002(19)¹ and 16 Texas Administrative Code (TAC) § 24.3(59).
2. The Commission has jurisdiction over the application under TWC §§ 13.241, 13.244, and 13.246.

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

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 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. Under TWC § 13.257(r) and (s), Hickory Creek 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 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. The application, as amended, is approved.
2. Hickory Creek CCN 10809, provided as Attachment 1 to this Notice, is amended, consistent with this Notice.
3. Hickory Creek shall serve every customer and applicant for service within the area certified under CCN 10809 as shown on Attachment 2 to this Notice, and such service shall be continuous and adequate.
4. Hickory Creek shall comply with the recording requirements in TWC § 13.257(r) and (s) 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.

5. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

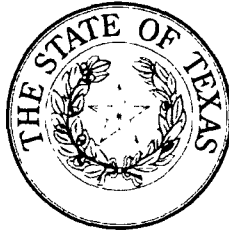
Signed at Austin, Texas the 20th day of February 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT

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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 20th day of February 2018.

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