



Control Number: 47265



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APPLICATION OF CITY OF §
MIDLOTHIAN AND CITY OF GRAND §
PRAIRIE FOR APPROVAL OF A §
SERVICE AREA CONTRACT UNDER §
TEXAS WATER CODE § 13.248 AND §
TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
ELLIS COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On June 6, 2017, the City of Midlothian (Midlothian) and the City of Grand Prairie (Grand Prairie) (collectively, Applicants) filed an application, under Texas Water Code § 13.248, for approval of an agreement that would amend their water certificates of convenience and necessity (CCNs) in Ellis County.

Midlothian holds water CCN No. 11706 and Grand Prairie holds water CCN No. 10105. Midlothian and Grand Prairie have agreed to amend their respective CCNs to transfer a portion of certificated area from Midlothian's water CCN No. 11706 to Grand Prairie's CCN No. 10105 so that Grand Prairie may supply water to customers located within its corporate limits and extraterritorial jurisdiction. Currently, there are no retail water customers of Midlothian being served in the area to be transferred to Grand Prairie. The Commission published notice of the application in the *Texas Register* on June 8, 2017.

On July 7, 2017, Order No. 2 was issued requiring Staff to file a final recommendation by September 28, 2017. Therefore, this pleading is timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed the application and supplemental materials and, as detailed by the attached memorandum from Fred Bednarski of the Water Utility Regulation Division, Staff

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recommends that the application be approved. Staff further recommends the Applicants file a certified copy of the CCN maps, along with a written description of the CCN service areas, in the county clerk's office as required by Tex. Water Code § 13.257(r) and (s).

III. CONCLUSION

Staff respectfully requests that an order be issued approving the application.

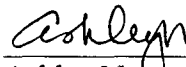
DATED: September 21, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

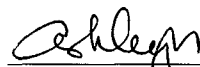


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 21st of September, 2017, in accordance with 16 TAC § 22.74.



Ashley Nwonuma

PUC Interoffice Memorandum

To: Ashley Nwonuma, Attorney
Legal Division

Through: Tammy Benter, Director
Heidi Graham, Manager
Water Utility Regulation Division

From: Fred Bednarski, Financial Examiner
Water Utility Regulation Division

Date: September 21, 2017

Subject: **Docket No. 47265** *Application of City of Midlothian and City of Grand Prairie for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Ellis County*

On June 6, 2017, the City of Midlothian (Midlothian) and City of Grand Prairie (GP), (Collectively, Applicants) filed an application, pursuant to Tex. Water Code § 13.248 and 16 Tex. Admin. Code (TAC) § 24.117, for approval of an agreement that would amend their water Certificates of Convenience and Necessity (CCN) in Ellis County. Midlothian holds water CCN No. 11706 and GP holds water CCN No. 10105.

Midlothian and GP have agreed to amend their respective CCNs to transfer a portion of certificated service area from Midlothian's water CCN No. 11706 to GP's CCN No. 10105 so that GP may supply water to future customers located within its corporate limits and extraterritorial jurisdiction. Midlothian does not have any existing customers in the area to be transferred to GP which is approximately 3,624 acres.

The application meets all of the statutory requirements of TWC Chapter 13 and 16 TAC Chapter 24 rules and regulations. Staff recommends approval of the application.

The Applicants consented to the attached maps and certificates, on September 20, 2017.

Based the above information, Staff recommends:

- Approval of the application; and
- The attached map and certificates be provided to the Applicants.

Staff further recommends that the Applicants file certified copies of the CCN maps along with a written description of the CCN service area in the county clerk's office pursuant to TWC §§ 13.257(r)-(s).