



Control Number: 47265



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**DOCKET NO. 47265**

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

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

COMES NOW, the City of Grand Prairie ("Grand Prairie"), on behalf of itself, the City of Midlothian ("Midlothian"), and the Public Utility Commission ("Commission") Staff ("Staff") (collectively, the "Parties") and files this Joint Proposed Notice of Approval and Motion to Admit Evidence, in response to the Administrative Law Judge's Order No. 2 in this Docket, regarding the application ("Application") of Midlothian and Grand Prairie for approval of a service area contract under Texas Water Code ("TWC") § 13.248 and 16 Texas Administrative Code ("TAC") § 24.117. This Response is timely filed. In support thereof, Grand Prairie shows the following:

**I. JOINT PROPOSED NOTICE OF APPROVAL**

The Notice of Approval, attached hereto as Attachment A and incorporated herein for all purposes, would approve Grand Prairie and Midlothian's service area contract by approving amendments to their respective water certificates of convenience and necessity ("CCN") Nos. 11706 and 10105 in Ellis County, Texas. The Notice of Approval is unopposed by Midlothian and Commission Staff.

**II. JOINT MOTION TO ADMIT EVIDENCE**

Grand Prairie respectfully requests the entry of the following items into evidence for the purposes of supporting Grand Prairie's Notice of Approval in this proceeding, which is unopposed by Midlothian and the Commission:

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1. The application of Grand Prairie and Midlothian for approval of an agreement pursuant to TWC § 13.248 and 16 TAC § 24.117, to amend water CCN Nos. 11706 and 10105 in Ellis County, Texas, filed on June 6, 2017, as supplemented on June 28, 2017 (Commission Interchange Item Nos. 1 and 5 in this Docket);
2. Notice of the Application (Commission Interchange Item No. 2 in this Docket);
3. Executed consent forms of Grand Prairie and Midlothian (Commission Interchange Item No. 9 in this Docket); and
4. Commission Staff's final recommendation of approval of the Application (Commission Interchange Item No. 10 in this Docket).

### **III. CONCLUSION**

The Parties respectfully request that the Commission grant this Joint Notice of Approval and Motion to Admit Evidence, and to all other relief to which they are entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE  
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ATTORNEYS FOR CITY OF GRAND PRAIRIE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 19<sup>th</sup> day of October 2017 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.



Maris M. Chambers

ATTACHMENT A

DOCKET NO. 47265

APPLICATION OF CITY OF §	BEFORE THE
MIDLOTHIAN AND CITY OF GRAND §	
PAIRIE FOR APPROVAL OF A §	
SERVICE AREA CONTRACT UNDER §	PUBLIC UTILITY COMMISSION
TEXAS WATER CODE § 13.248 AND TO §	
AMEND CERTIFICATES OF §	
CONVENIENCE AND NECESSITY IN §	
ELLIS COUNTY §	OF TEXAS

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application by the cities of Grand Prairie ("Grand Prairie") and Midlothian ("Midlothian") (collectively, the "Applicants") for approval and enforcement of a service area contract that would amend their respective water certificates of convenience and necessity ("CCN") Nos. 10105 and 11706, respectively, in Ellis County, Texas, pursuant to Texas Water Code § 13.248 and 16 Tex. Admin. Code § 24.117 (the "Application"). The total water CCN territory the Application proposes for transfer from Midlothian to Grand Prairie includes approximately 3,625.47 acres, 0 current customers, and no infrastructure. The Public Utility Commission ("Commission") Staff recommended approval of this Application. The Application is approved. Accordingly, the Commission adopts the following Findings of Fact, Conclusions of Law, and Ordering Provisions:

**I. FINDINGS OF FACT**

**Procedural History and Background**

1. On June 6, 2017, Grand Prairie filed an Application with the Public Utility Commission ("Commission") for approval of customer service agreement between Grand Prairie and Midlothian under TWC § 13.248 and 16 TAC § 24.117, to transfer approximately

3,625.47 acres of Midlothian's water CCN No. 11706 to Grand Prairie's water CCN No. 10105 in Ellis County, Texas, styled as Docket No. 47265.

2. On June 8, 2017, the Commission caused notice of the Application to be published in the *Texas Register*.
3. On June 28, 2017, Grand Prairie supplemented the Application to revise the digital data initially provided with the Application, slightly reducing the water CCN area to be transferred.
4. On July 7, 2017, Order No. 2 was issued in this Docket, deeming the Application sufficient for filing.
5. On September 7, 2017, Staff provided final maps, certificates, and tariffs to Grand Prairie and Midlothian for their review and consent.
6. On September 20, 2017, Grand Prairie and Midlothian each provided their consent to the Commission's draft, revised CCN maps and certificates.
7. On September 21, 2017, Commission Staff recommended that the Application be approved.
8. On October 19, 2017, Grand Prairie, Midlothian, and Commission Staff filed a Joint Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs, and Motion to Admit Evidence. The revised maps and certificates discussed in Findings of Fact No. 6 are attached to this Notice of Approval.

**Description of the Application**

9. Midlothian and Grand Prairie seek to transfer approximately 3,625.47 acres of land from Midlothian's water CCN No. 11706 to Grand Prairie's water CCN No. 10105 in Ellis County, Texas

10. There are no customers or infrastructure to be transferred from Midlothian to Grand Prairie by the Application.

**Evidentiary Record**

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

**Informal Disposition**

12. There were no protests or hearing requests filed in response to the public notice.
13. The only parties to this proceeding are Commission Staff, Midlothian, and Grand Prairie.
14. No issues of fact or law are in dispute by any party; and, no hearing is necessary.
15. The CCN certificates and maps as admitted are approved.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this Docket pursuant to TWC § 13.248 and 16 TAC § 24.117.
2. Midlothian and Grand Prairie are each a “retail public utility,” as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Public notice of the Application was provided in accordance with 16 TAC §§ 24.106 and 24.117.
4. Midlothian and Grand Prairie have demonstrated that the Application meets the requirements set forth in TWC § 13.248 and 16 TAC § 24.117 to be granted an amendment to their respective water CCNs.
5. Midlothian and Grand Prairie have demonstrated that transferring a portion of Midlothian’s water CCN No. 11706 to Grand Prairie’s water CCN No. 10105 is

necessary for the service, accommodation, convenience, and safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).

6. 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. The Application, as supplemented, is approved.
2. Grand Prairie's water CCN No. 10105 is hereby amended to reflect that a portion of Midlothian's water CCN No. 11706 has been transferred to Grand Prairie, consistent with this Notice.
3. Midlothian's water CCN No. 11706 is hereby amended to reflect that a portion of Midlothian's water CCN No. 11706 has been transferred to Grand Prairie, consistent with this Notice.
4. Applicants shall comply with the recording requirements in TWC § 13.257(r) for the area in Ellis 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 on the \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADMINISTRATIVE LAW JUDGE