

Control Number: 47265



Item Number: 17

Addendum StartPage: 0

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

2017 OCT 21 PM 3:11 PUBLIC UTILITY COMMISSION OF TEXAS RECORDS CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the City of Midlothian and the City of Grand Prairie for approval of a service area contract to amend their respective water certificates of convenience and necessity (CCNs) in Ellis County. Commission Staff recommended approval of the application, as supplemented. 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 June 6, 2017, Grand Prairie and Midlothian filed an application for approval of an agreement to transfer service area and amend their respective water CCNs in Ellis County under Texas Water Code § 13.248.1
2. Midlothian holds water CCN No. 11706 and Grand Prairie holds water CCN No. 10105.
3. The agreement proposes to transfer a portion of Midlothian's service area to Grand Prairie. The requested service area consists of approximately 3,625.47 acres, no current customers, and no infrastructure.
4. On June 28, 2017, Grand Prairie supplemented the application to revise the digital data initially provided with the application, slightly reducing the area proposed to be transferred.

1 Tex. Water Code Ann. § 13.248 (West 2008 and Supp. 2017) (TWC).

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5. On July 7, 2017, Order No. 2 was issued, deeming the application administratively complete, finding that no additional notice of the application was required, and establishing a procedural schedule.
6. On September 20, 2017, Midlothian and Grand Prairie submitted signed consents to the revised map and certificates, as prepared by Commission Staff.
7. On September 21, 2017, Commission Staff recommended approval of the application.
8. The revised map and certificates discussed in Finding of Fact No. 6 are attached to this Notice.
9. On October 19, 2017, the parties filed a joint proposed notice of approval and motion to admit evidence.
10. On October 24, 2017, Order No. 4 was issued, admitting evidence into the record of this proceeding.

Notice

11. On June 23, 2017, notice of this proceeding was published in the *Texas Register*.
12. No additional notice of this application was required.

Informal Disposition

13. More than 15 days have passed since completion of the notice provided in this docket.
14. Midlothian, Grand Prairie, and Commission Staff are the only parties to this proceeding.
15. No protests or requests for hearing were filed.
16. No issues of fact or law remain disputed by any party.

II. Conclusions of Law

1. The Commission has jurisdiction and authority over this docket under TWC §§ 13.041 and 13.248.
2. Midlothian and Grand Prairie are retail public utilities as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC §§ 24.106 and 24.117.

4. The application was processed in accordance with the requirements of the TWC and Commission rules.
5. Midlothian and Grand Prairie have demonstrated that the application meets the requirements set forth in TWC §§ 13.241, 13.244, 13.246, and 13.248 and 16 TAC § 24.117 to be granted an amendment to their respective CCNs.
6. After considering the factors in TWC § 13.248, Midlothian and Grand Prairie are entitled to approval of their agreement to transfer service area from Midlothian to Grand Prairie and to amend their respective water CCN Nos. 11706 and 10105 to reflect that transfer, having demonstrated that Grand Prairie has adequate financial, managerial and technical capability for providing continuous and adequate service to the transferred area and its current service area as required by TWC § 13.241(a).
7. 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).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), Midlothian and Grand Prairie are required to record a certified copy of their 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 of a portion of the service area is located and submit to the Commission evidence of the recording.
9. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

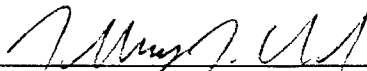
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The application, as supplemented, is approved.
2. Grand Prairie's water CCN No. 10105 is amended to reflect the addition of approximately 3,625.47 acres of service area in Ellis County and Midlothian's water CCN No. 11706 is amended to reflect the removal of the same service area in Ellis County.

3. Grand Prairie shall serve every customer and applicant for water service within the area certified under CCN No. 10105 and such service shall be continuous and adequate.
4. Grand Prairie and Midlothian 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.

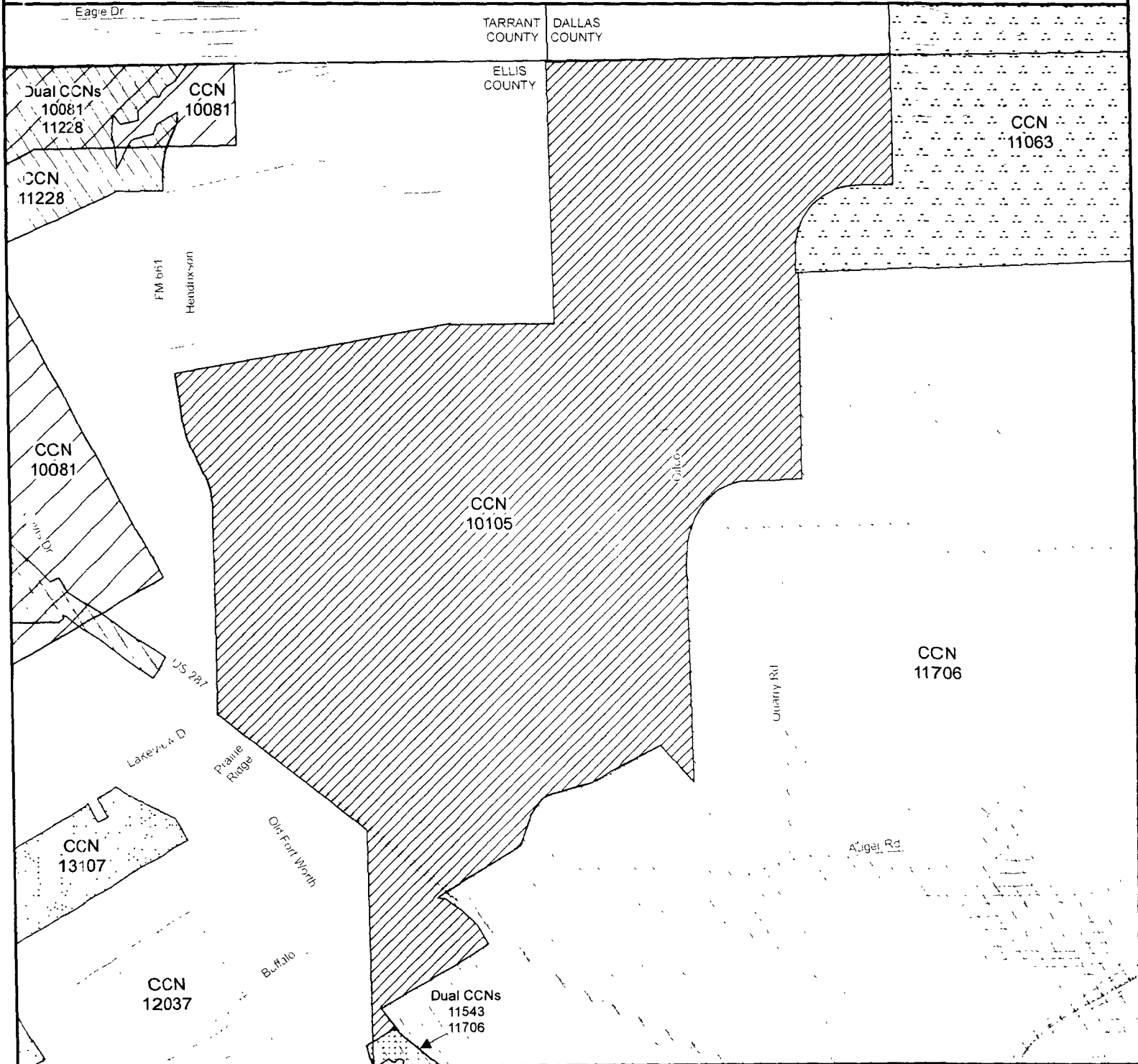
Signed at Austin, Texas the 24th day of October 2017.

PUBLIC UTILITY COMMISSION OF TEXAS











JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE

City of Grand Prairie
Portion of Water CCN No. 10105
PUC Docket No. 47265
13.248 Agreement Amended CCN No. 10105 and
Decertified a Portion of City of Midlothian, CCN No. 11706 in Ellis County



Water CCN

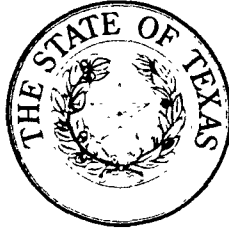
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|-------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------|----------------------------|
|  | 10105 - City of Grand Prairie |  | 10081 - Johnson County SUD |
|  | 11706 - City of Midlothian |  | 11228 - City of Mansfield |
|  | 11543 - Carroll Water Company |  | 11063 - City of Cedar Hill |
|  | 12037 - Crest Water Company | | |
|  | 13107 - Ellis County FWSD No. 1 | | |



Public Utility Commission of Texas
 701 N. Congress Ave
 Austin, TX 78701

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Map by Komal Patel
 Date created August 18, 2017
 Project Path n\finalmapping\47265CityofGrandPrairie.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

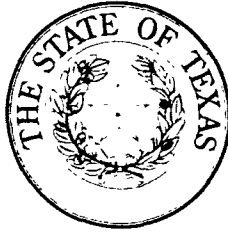
City of Grand Prairie

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 Grand Prairie is entitled to this

Certificate of Convenience and Necessity No. 10105

to provide continuous and adequate water utility service to that service area or those service areas in Dallas, Ellis, and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47265 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 City of Grand Prairie 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 24th day of October 2017.



Public Utility Commission of Texas

By These Presents Be It Known To All That
City of Midlothian

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 Midlothian is entitled to this

Certificate of Convenience and Necessity No. 11706

to provide continuous and adequate water utility service to that service area or those service areas in Dallas, Ellis, and Johnson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47265 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 City of Midlothian 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 27th day of OCTOBER 2017.