



Control Number: 47268



Item Number: 19

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DOCKET NO. 47268

RECEIVED

APPLICATION OF RPM WATER §  
SUPPLY CORPORATION TO AMEND A §  
WATER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
VAN ZANDT COUNTY §

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PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

### JOINT MOTION TO ADMIT EVIDENCE AND NOTICE OF APPROVAL

COMES NOW, the Staff of the Public Utility Commission of Texas ("Staff") representing the public interest, and RPM Water Supply Corporation (RPM WSC) (together the "Parties"), and file this Joint Motion to Admit Evidence, and Notice of Approval. In support thereof, the Parties show the following:

### BACKGROUND

On June 7, 2017, RPM Water Supply Corporation (RPM WSC) filed an application to amend water Certificate of Convenience and Necessity (CCN) Number 10787 in Van Zandt County. Staff filed a final recommendation of approval on February 21, 2018.

### JOINT MOTION TO ADMIT EVIDENCE

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

1. RPM WSC's application, filed on June 7, 2017, as amended by RPM WSC's filing on July 19, 2017;
2. The affidavits and proof of notice, filed on October 10 and 11, 2017;
3. The consent form to the final map and certificate, filed on January 21, 2018; and
4. Commission Staff's Final Recommendation that the Application be approved, filed on February 21, 2018.

## **JOINT PROPOSED NOTICE OF APPROVAL**

Staff and RPM WSC have agreed on the attached Joint Proposed Notice of Approval to grant RPM WSC's application to amend water CCN No. 10787 in Van Zandt County, Texas. Also attached are the final map and certificate that were included in Staff's final recommendation.

## **CONCLUSION**

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

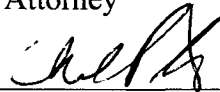
Dated: March 16, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**PUC DOCKET NO. 47268  
CERTIFICATE OF SERVICE**

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



Alexander Petak

**DOCKET NO. 47268**

<b>APPLICATION OF RPM WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SUPPLY CORPORATION TO AMEND A</b>	<b>§</b>	
<b>WATER CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>VAN ZANDT COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Proposed Notice of Approval addresses the application (Application) of RPM Water Supply Corporation (RPM WSC) for an amendment to its water certificate of convenience and necessity (CCN) in Van Zandt County, Texas. The Public Utility Commission (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 and Background**

1. On June 7, 2017, RPM WSC filed an Application to amend its water CCN No. 10787 in Van Zandt County, Texas.
2. On June 8, 2017, Order No. 1 was issued, requiring comments on administrative completeness and notice, requesting procedural schedule, and addressing other procedural matters.
3. On July 19, 2017, RPM WSC filed an amendment to the application.
4. On August 28, 2017, the Administrative Law Judge ("ALJ") issued Order No. 3 deeming the application administratively complete requiring RPM WSC to provide notice.
5. On October 27, 2017, Order No. 4 was issued, finding notice sufficient.
6. On January 31, 2018, RPM WSC filed consent forms agreeing with the map and certificate.
7. On February 21, 2018, Commission Staff filed its Final Recommendation, which recommended that the application be approved.
8. On \_\_\_\_, Order No. \_\_\_\_ was issued, admitting evidence into the record of this proceeding.

### **Notice**

9. On June 9, 2017, the Commission submitted notice of RPM WSC's application to the Texas Register, which was published on June 23, 2017.
10. On September 14, 2017, RPM WSC mailed notice of the Application to landowners, neighboring utilities, and affected parties. An affidavit that attests to this notice was dated October 9, 2017.
11. Notice of the application was published in Van Zandt News on September 17, 2017 and September 24, 2017. A publisher's affidavit dated October 2, 2017 attests to this notice.

### **Informal Disposition**

12. More than 15 days have passed since completion of the notice provided in this docket.
13. RPM WSC and Commission Staff are the only parties to this proceeding.
14. No requests for a hearing have been filed and no issues of fact or law are disputed by the parties. Therefore, no hearing is necessary.

## **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041, 13.241, and 13.246 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.106, and 24.107 (TAC).
2. RPM WSC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. RPM WSC provided notice of the Application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), RPM WSC is entitled to approval of the application, having demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the request area and its current service area as required by TWC § 13.241.
6. RPM WSC has demonstrated that the Application meets the requirements set forth in TWC §§ 13.241 and 13.246 and 16 TAC §§ 24.101 and 24.102 to be granted a CCN.
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. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), RPM WSC 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.
9. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### **III. ORDERING PARAGRAPHS**

1. The Application of RPM WSC to amend water CCN No. 10787 in Van Zandt County, Texas is approved.
2. RPM WSC's water CCN No. 10787 is amended in accordance with this Notice.
3. RPM WSC shall serve every customer and applicant for service within the areas certified under its water CCN, and such service shall be continuous and adequate.
4. RPM WSC shall comply with the recording requirements in TWC § 13.257(r) for the area in Van Zandt 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.

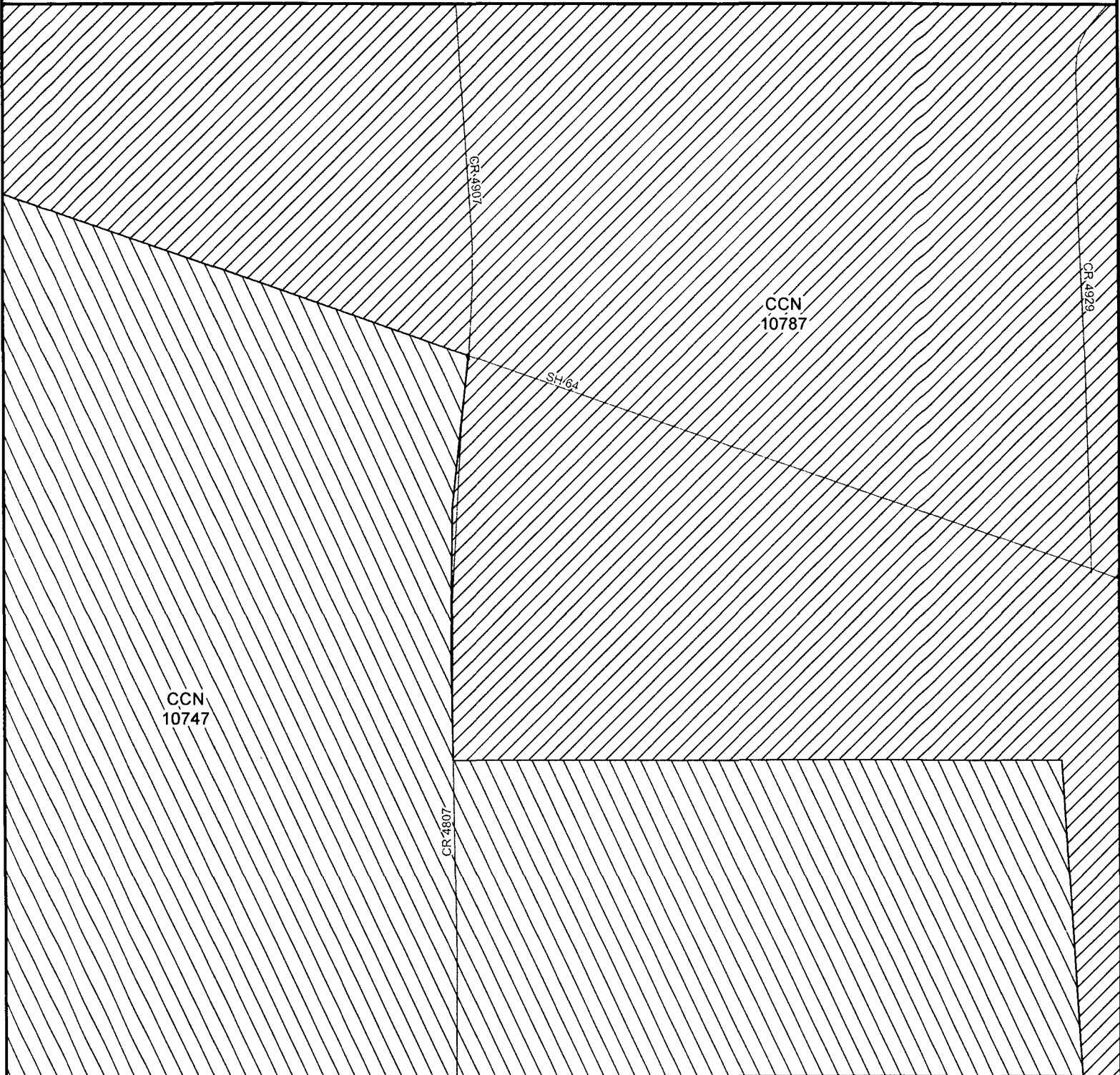
**Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2017.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**

RPM Water Supply Corporation  
Portion of Water CCN No. 10787  
PUC Docket No. 47268  
Amended CCN No. 10787 in Van Zandt County



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  10787 - RPM WSC
-  10747 - Edom WSC

0 250 500  
Feet



Map by: Komal Patel  
Date created: January 12, 2018  
Project Path: n:\finalmapping\47268RPMWSC.mxd





# **Public Utility Commission of Texas**

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

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, RPM WSC is entitled to this

## **Certificate of Convenience and Necessity No. 10787**

to provide continuous and adequate water utility service to that service area or those service areas in Henderson, Smith, and Van Zandt Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47268 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of RPM WSC, 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, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.