



Control Number: 47268



Item Number: 21

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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

2018 MAR 28 PM 2:34  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

### NOTICE OF APPROVAL

This Notice addresses the application of RPM Water Supply Corporation (RPM WSC) to amend water certificate of convenience and necessity (CCN) number 10787 in Van Zandt County. Commission Staff recommended approval of the application. The application is approved.

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

#### I. Findings of Fact

##### Procedural History

1. On June 7, 2017, RPM WSC filed an application to amend CCN number 10787 in Henderson and Van Zandt Counties. The service area requested includes approximately 22 acres and 11 current customers.
2. On June 8, 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 19, 2017, RPM WSC filed an amendment to the application.
4. On August 28, 2017, Order No. 3 was issued finding the application administratively complete, requiring RPM WSC to provide notice, and restyling the docket to indicate that the requested area is only within Van Zandt County.
5. On October 27, 2017, Order No. 4 was issued finding notice sufficient.
6. On January 31, 2018, RPM WSC filed a consent form to the map and certificate prepared by Commission Staff.

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7. On February 21, 2018, Commission Staff filed a final recommendation for approval of the application. Commission Staff attached the final map and certificate.
8. On March 16, 2018, Commission Staff and RPM WSC filed a joint motion to admit evidence and notice of approval.
9. On March 22, 2018, Order No. 5 was issued admitting evidence into the record of this proceeding.

#### **The Application**

10. The service area requested includes 11 current customers and approximately 22 acres.
11. The area requested was decertified from Edom Water Supply Corporation in Docket No. 45459<sup>1</sup> to effectuate an agreement between RPM and Edom regarding service areas.
12. RPM is currently serving all of the affected customers in the requested area.
13. There will be no effect on RPM and Edom, the other provider in the requested area, as the amendment was filed to effectuate an agreement between RPM and Edom.
14. RPM operates an approved public water system adequate to serve the requested area.
15. Edom and RPM considered and determined it is more feasible for RPM to serve the requested area.
16. RPM's audited financial statements demonstrate RPM has the financial ability to provide continuous and adequate service to the requested area.
17. The environmental integrity of the land for the requested area is not affected because construction is not necessary to serve the requested area.

#### **Notice**

18. Notice of the application was published in the *Texas Register* on June 23, 2017.
19. 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.

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<sup>1</sup> *Application of Edom Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Henderson and Van Zandt Counties*, Docket No. 45459, Notice of Approval (July 17, 2017).

20. 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**

21. More than 15 days have passed since completion of the notice provided in this docket.
22. Commission Staff and the applicants are the only parties to this proceeding.
23. 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. RPM WSC is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19)<sup>2</sup> and 16 Texas Administrative Code (TAC) § 24.3(59).
2. The Commission has jurisdiction over the application under TWC §§ 13.041, 13.241, and 13.246.
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the Administrative Procedure Act,<sup>3</sup> TWC, and Commission rules.
5. After considering the factors in TWC § 13.246, 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 requested area as required by TWC § 13.241.
6. 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).
7. Under TWC § 13.257(r) and (s), 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

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<sup>2</sup> Tex. Water Code Ann. § 13.002(19) (West 2008 & Supp. 2017)(TWC).

<sup>3</sup> Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001- .902 (West 2016 & Supp. 2017).

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 is approved.
2. RPM WSC's water CCN number 10787 is amended, consistent with this Notice.
3. RPM WSC shall serve every customer and applicant for service within the areas under CCN number 10787 and such service shall be continuous and adequate.
4. RPM WSC shall comply with the recording requirements in TWC § 13.257(r) and (s) 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 and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 28th day of March 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**IRENE MONTELONGO**  
**DIRECTOR, DOCKET MANAGEMENT**



# **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 28th day of March 2018.

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

