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DOCKET NO. 47283

**APPLICATION OF RANCHLAND
PROPERTY OWNERS ASSOCIATION,
INC. AND CITY OF KOUNTZE FOR
SALE AND TRANSFER OF
FACILITIES AND CERTIFICATE
RIGHTS IN HARDIN COUNTY**

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
CLERK
OF TEXAS

NOTICE OF APPROVAL

This notice addresses the application of Ranchland Property Owners Association, Inc. and the City of Kountze for the sale and transfer of facilities and certificate rights in Hardin 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 14, 2017, the applicants filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Hardin County.
2. Ranchland holds certificate of convenience and necessity (CCN) No. 12945 and is a retail public utility in Hardin County.
3. Approval of the application would transfer the service area and facilities of CCN No. 12945 held by Ranchland to Kountze.
4. The total service area being requested includes approximately 220 acres and 15 customers.
5. On June 20, 2017, Order No. 1 was issued requiring Commission Staff to file comments on the administrative completeness of the application.
6. On July 18, 2017, Order No. 2 was issued finding the application administratively complete, ordering the applicants to provide notice, and establishing a procedural schedule.
7. On July 24, 2017, Ranchland filed an affidavit of notice to neighboring utilities and affected parties attesting to mailed notice.

8. On August 23, 2017, Order No. 3 was issued deeming notice sufficient and complete, and adopting a procedural schedule.
9. No protest letters were received by the Commission during the 120-day period.
10. On September 20, 2017, Commission Staff recommended that the proposed transaction be permitted to proceed.
11. Service in the area is needed; there are existing customers in the requested area.
12. Approving the application will not adversely affect any landowners in the area nor any retail public utility serving the proximate area.
13. Approving the application will not adversely impact the environmental integrity of the requested area, as no additional construction is needed to provide service to the requested area.
14. Kountze will serve customers in the requested area using the existing facilities.
15. Kountze has demonstrated that it has the financial resources to operate and manage the utility and the ability to provide continuous and adequate service to the requested area.
16. On September 22, 2017, Order No. 4 was issued approving the sale and transfer to proceed and be consummated.
17. On December 22, 2017, Ranchland and Kountze filed a status report and documents evidencing the closing of the transaction.
18. On January 8, 2018, Commission Staff filed a recommendation on proof of sale.
19. On January 9, 2018, Order No. 5 was issued finding closing documents sufficient and establishing a procedural schedule.
20. On February 1, 2018, Kountze filed its consent form indicating its agreement with the map prepared by Commission Staff.
21. On February 5, 2018, Ranchland filed its consent form indicating its agreement with the map prepared by Commission Staff.
22. On February 20, 2018, Commission Staff, Ranchland, and Kountze requested an extension to file joint proposed findings of fact, conclusions of law, and ordering paragraphs.

23. On February 21, 2018, Order No. 6 was issued granting the extension.
24. On February 23, 2018, Commission Staff, Ranchland, and Kountze filed a motion to admit evidence.
25. On February 26, 2018, Order No. 7 was issued admitting evidence into the record of this proceeding.

Notice

26. On June 20, 2017, notice of the application was published in the *Texas Register*.
27. Mailed notice was provided to neighboring systems, landowners, and affected parties on July 20, 2017.

Informal Disposition

28. Commission Staff, Ranchland, and Kountze are the only parties to this proceeding.
29. More than 15 days have passed since the completion of all notice requirements.
30. No requests to intervene or requests for hearing were filed in this proceeding and there are no disputed issues of fact.

II. Conclusions of Law

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.246, 13.254, 13.301 and 16 Texas Administrative Code (TAC) § 24.109 and 24.113.
2. Ranchland and Kountze are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Notice of the application was provided as required by TWC § 13.301(a)(2).
4. The application was processed in accordance with the requirements of TWC § 13.301 and 16 TAC §§ 24.109 and 24.113.
5. The applicants completed the sale within 180 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.109(o).

6. Kountze is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area, as required by TWC § 13.246(c).
7. Ranchland and Kountze have demonstrated that the sale and transfer of service area and facilities for CCN No. 12945 requested in this application are necessary for the service, accommodation, convenience, or safety of the public.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

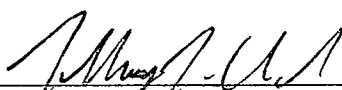
III. Ordering Paragraphs

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

1. The application is approved.
2. The service area and facilities in Hardin County associated with CCN No. 12945 are transferred from Ranchland to Kountze.
3. Ranchland's CCN No. 12945 is cancelled.
4. Kountze shall serve every customer and applicant for service within the area transferred, and such service shall be continuous and adequate.
5. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 15th day of March 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE