



Control Number: 47398



Item Number: 40

Addendum StartPage: 0

**PUC DOCKET NO. 47398**

**APPLICATION OF THE CITY OF  
HORSESHOE BAY WATER UTILITY  
FOR A SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
IN LLANO AND BURNET COUNTIES**

§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

2018 OCT 30 PM 3:55

FILING CLERK

**JOINT MOTION TO ADMIT EVIDENCE AND  
PROPOSED ORDER**

COMES NOW the City of Horseshoe Bay (the “City”) together with the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”), representing the public interest, (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Order. In support thereof, the Parties show the following:

**I. BACKGROUND**

On July 12, 2017, On July 12, 2017, Horseshoe Bay Water Utility (Horseshoe Bay) filed an application to obtain new water and sewer certificates of convenience and necessity in Llano County and Burnet County. On July 28, 2017, the Commission issued notice of the City's application. Order No. 11, issued on October 9, 2018, a procedural schedule including the requirement that the parties file joint findings of fact and conclusions of law. No hearing has been requested.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The City moves to admit the following into the record evidence in this proceeding:

1. Application, filed on July 12, 2017;
2. Notice for Texas Register, filed on July 14, 2017;
3. Acknowledgement of Receipt for Texas Register filed on July 20, 2017;
4. City's Amended CCN Application Supplement, filed on October 25, 2017;
5. City's request to cancel Deerhaven Inc.'s CCN, filed on December 22, 2017;

6. City's Response to Order No. 9, filed on January 18, 2018;
7. City's Proof of Notice, filed on April 18, 2018;
8. City's Amended Proof of Notice, filed April 23, 2018;
9. City's Submission of Revised Sewer CCN Map, filed on July 25, 2018;
10. The consent form to the final map and certificates, filed on September 7, 2018;
11. Commission Staff recommendation that the Application be approved, along with the attached final map and certificates, filed September 14, 2018; and
12. Commission Staff's proof of notice filed October 30, 2018.

### **III. JOINT PROPOSED ORDER**

The Parties move for adoption of the attached Joint Proposed Order, which would approve the Application to grant the City water CCN No. 13271 and sewer CCN No. 2111 in Burnet and Llano Counties. The Joint Proposed Order would also cancel Deerhaven Inc.'s water CCN No. 10467.

### **IV. CONCLUSION**

The Parties respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Joint Proposed Order.

Date: October 29, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

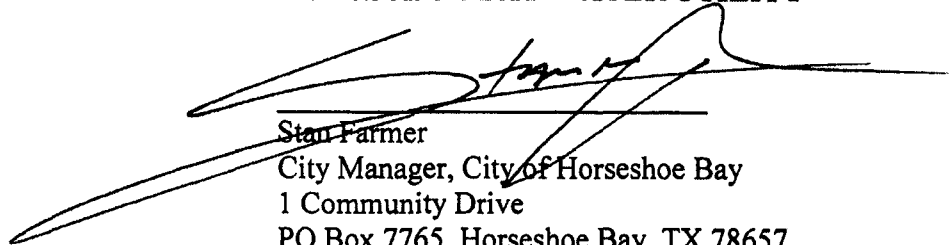
Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



Landon J. Lill  
State Bar No. 24092700  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Landon.Lill@puc.texas.gov

**HORSESHOE BAY WATER UTILITY**

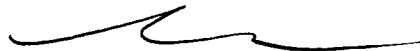


Stan Farmer  
City Manager, City of Horseshoe Bay  
1 Community Drive  
PO Box 7765, Horseshoe Bay, TX 78657  
(830) 598-8741  
sfarmer@horseshoe-by-tx.gov

**DOCKET NO. 47398**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 29, 2018,  
in accordance with 16 TAC § 22.74.



Landon J. Lill

**PUC DOCKET NO. 47398**

**APPLICATION OF THE CITY OF  
HORSESHOE BAY WATER UTILITY  
FOR A SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
IN LLANO AND BURNET COUNTIES**

§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**ORDER**

This Order addresses the application of The City of Horseshoe Bay (the “City”) to receive its sewer certificate of convenience and necessity (“CCN”) in Llano and Burnet Counties. The Public Utility Commission of Texas (“Commission”) Staff recommended approval of this application. The application, as amended, is approved.

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

**I. FINDINGS OF FACT**

**Procedural History and Background**

1. On July 12, 2017, the City filed with an Application to for a new water and sewer CCNs in Llano and Burnet Counties.
2. On December 22, 2017, the City Amended its application to include a petition to cancel the CCN No. 10467 held by Deerhaven Inc.
3. Deerhaven Inc. has forfeited its status as a Texas corporation and is incapable of providing continuous and adequate service.
4. On June 6, 2018, the City filed supplemental information to cure the deficiencies identified by Commission Staff.
5. On June 22, 2018, Order No. 8 was issued, deeming the application, as amended, administratively complete, addressing notice and establishing procedural schedule.
6. On August 8, 2018, Commission Staff recommended approval of the application, and provided copies of the City’s final sewer map and CCN certificate, which were consented to on August 10, 2018 and filed with the Commission on August 10, 2018.
7. The final map and the updated sewer CCN No. 21111 are attached to this Notice.

8. On \_\_\_\_\_, Commission Staff and the City filed a joint proposed motion to admit evidence and joint proposed Order.
9. On \_\_\_\_\_, Order No. \_\_\_\_ was issued admitting evidence into the record of this proceeding.

Notice

10. On March 6, 2018m Commission Staff mailed notice to Deerhaven, Inc. of its pending decertification by certified mail, return receipt requested to Deerhaven, Inc.'s last know address. Additionally, Staff mailed notice by certified mail, return receipt requested, to Deerhaven, Inc.'s last listed registered Agent Wade Hutto.
11. On June 7, 2018 the City mailed notice of the application to neighboring utilities, landowners, and affected parties.
12. On March 30, 2018 and April 5, 2018, notice was published in The Horseshoe Bay Beacon, a newspaper of general circulation in Llano and Burnet Counties.
13. On August 14, 2018, the City filed affidavits of notice attesting to mailed notice and on April 24, 2018 the City filed affidavits of notice attesting to published notice.

Informal Disposition

14. The only parties to this proceeding are the City and Commission Staff.
15. More than 15 days has passed since completion of the notice provided in this docket.
16. No protest, request for hearing, or opt-out requests were filed in this docket, therefore, no hearing is necessary.

The requirements for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 (TAC) have been met in this proceeding.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041 and 13.241 (TWC).
2. The City is a municipality as defined in TWC § 13.002(12) and 16 TAC § 24.3(42).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.235.
4. Notice to Deerhaven, Inc. of its pending decertification was provided in compliance with 16 TAC § 22.183.

5. The application meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.225-24.227 and 24.231-24.235.
6. After considering the factors in TWC § 13.246(c), the City is entitled to approval of the application, having demonstrated adequate financial, managerial and technical capability for providing continuous and adequate sewer service to the requested area and its existing service area, as required by TWC § 13.241(a).
7. Approval of this application is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(c).
8. Under TWC §13.257(r) and 16 TAC § 24.235(f), the City is required to record a certified copy of the approved sewer 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 LAW**

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order.

1. The application of the City of Horseshoe Bay is approved:
2. The City of Horseshoe Bay's sewer CCN No. 21111 is consistent with this Notice.
3. The City of Horseshoe Bay shall serve every customer and applicant for sewer service within the area certified under CCN No. 21111, and such service shall be continuous and adequate.
4. The City of Horseshoe Bay shall comply with the recording requirements in TWC § 13.257(r) for the area in Llano and Burnet Counties affected by this 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 or conclusions of law, and any other requests for general or specific relief, if not expressly granted in this Notice, are denied.

**SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of October, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

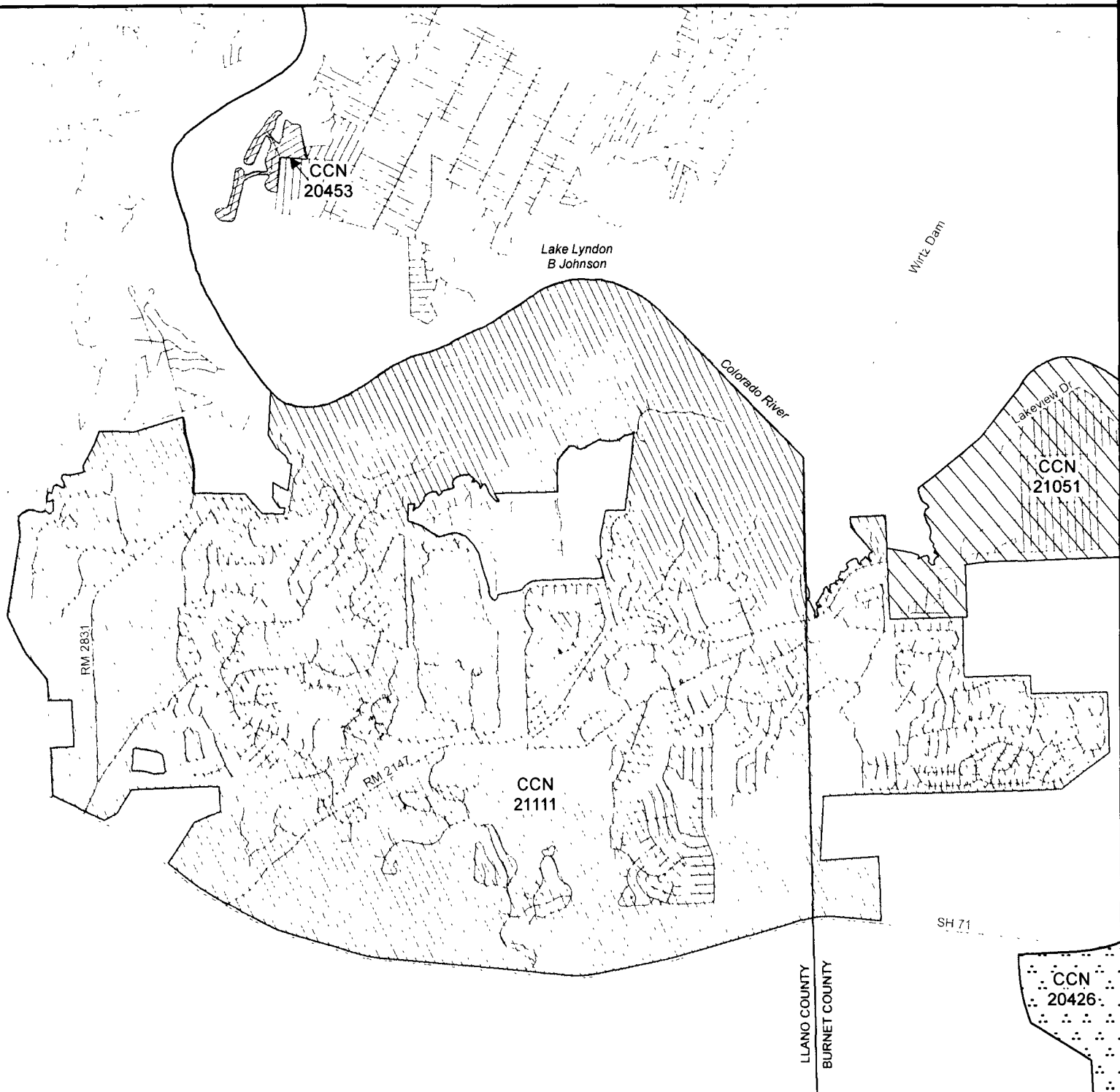
\_\_\_\_\_  
**DEANN T. WALKER, CHAIRMAN**

\_\_\_\_\_  
**ARTHUR C. D'ANDREA, COMMISSIONER**

\_\_\_\_\_  
**SHELLY BOTKIN, COMMISSIONER**







Horseshoe Bay Water Utility  
Sewer CCN No. 21111  
PUC Docket No. 47398  
Obtained New CCN in Burnet and Llano Counties



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

**Sewer CCN**

-  21111 - Horseshoe Bay Water Utility
-  20453 - Aqua Texas Inc
-  21051 - City of Cottonwood Shores
-  20426 - City of Marble Falls

0 2,250 4,500  
Feet



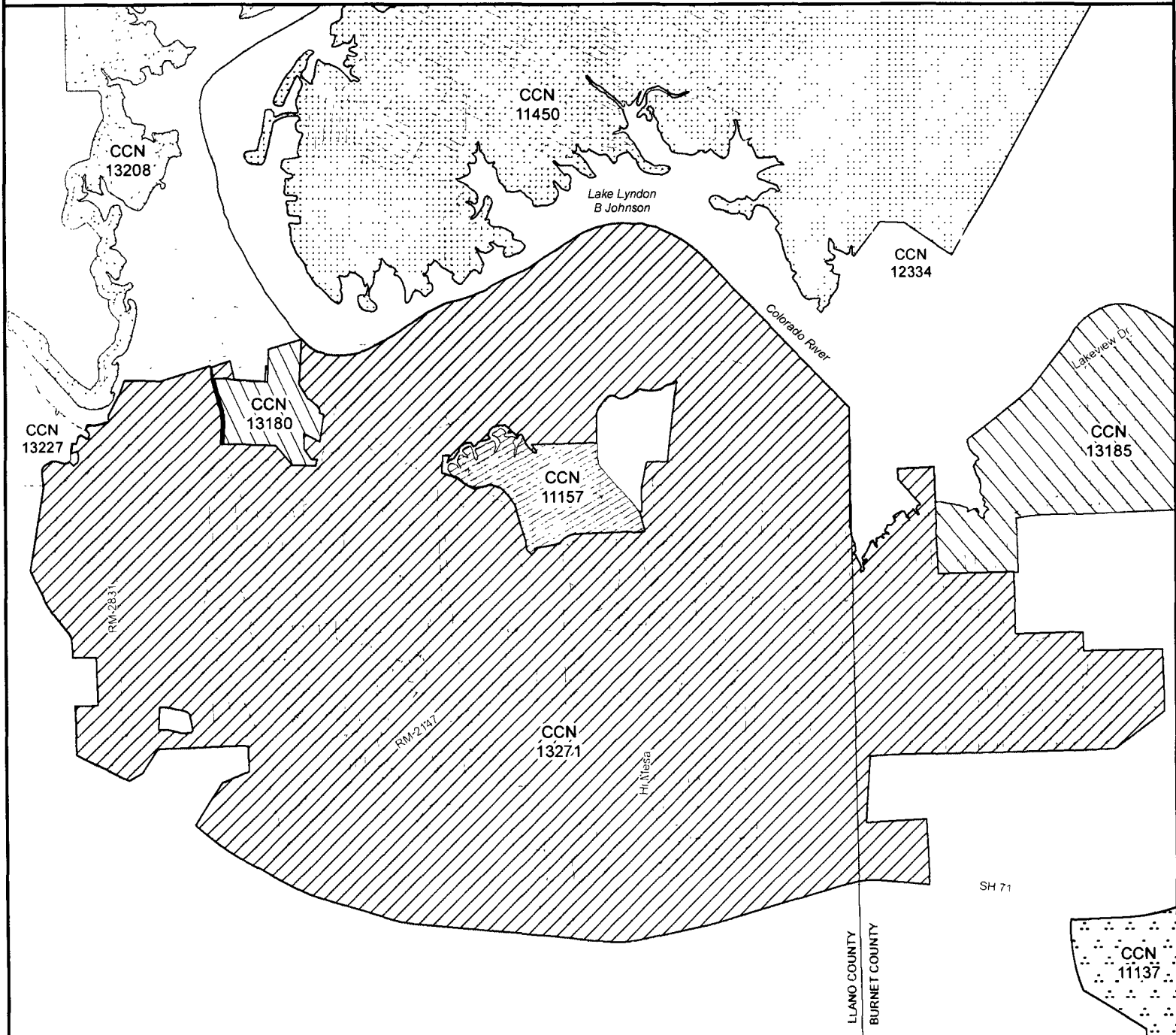
Map by Komal Patel  
Date created August 1, 2018  
Project Path n finalmapping\47398HorseshoeBaySewer.mxd

# Horseshoe Bay Water Utility

Water CCN No. 13271

PUC Docket No. 47398

Obtained New CCN and Decertified Deerhaven, Inc., CCN No. 10467 in Burnet and Llano Counties



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

## Water CCN

- 13271 - Horseshoe Bay Water Utility
- 13227 - Corix Utilities Texas Inc
- 13208 - City of Sunrise Beach Village
- 13180 - Deerhaven WCID
- 11157 - Aqua Texas Inc
- 13185 - City of Cottonwood Shores

- 11450 - City of Granite Shoals
- 11137 - City of Marble Falls
- 12334 - Wilderness Cove WC

Map by Komal Patel  
Date created August 1, 2018  
Project Path n\finalmapping\  
47398HorseshoeBayWater.mxd

0 2,250 4,500  
Feet





# **Public Utility Commission Of Texas**

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

## **Horseshoe Bay Water Utility**

having obtained certification to provide sewer 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, Horseshoe Bay Water Utility, is entitled to this

### **Certificate of Convenience and Necessity No. 21111**

to provide continuous and adequate sewer utility service to that service area or those service areas in Burnet and Llano Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47398 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 the Horseshoe Bay Water Utility, 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.



# **Public Utility Commission Of Texas**

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

## **Horseshoe Bay Water Utility**

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, Horseshoe Bay Water Utility, is entitled to this

### **Certificate of Convenience and Necessity No. 13271**

to provide continuous and adequate water utility service to that service area or those service areas in Burnet and Llano Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47398 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 the Horseshoe Bay Water Utility, 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.