

Control Number: 47452



Item Number: 15

Addendum StartPage: 0

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BEFORE THE
2018 MAR 16 PM 2:01
PUBLIC UTILITY COMMISSION

APPLICATION OF MUSTANG §
SPECIAL UTILITY DISTRICT TO §
AMEND WATER AND SEWER §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN DENTON AND §
COLLIN COUNTIES §

PUBLIC UTILITY COMMISSION
OF TEXAS

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 Mustang Special Utility District (“Mustang SUD”) (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 July 28, 2017, Mustang SUD filed with the Commission an application to amend water certificate of convenience and necessity (“CCN”) No. 11856 and sewer CCN No. 20930 in Denton and Collin Counties. Staff filed a final recommendation of approval on March 9, 2018. Order No. 4 required the parties to file a joint motion to admit evidence and order by March 16, 2018. Therefore, this pleading is timely filed.

JOINT MOTION TO ADMIT EVIDENCE

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

1. Mustang SUD’s application filed on July 28, 2017, as supplemented on October 13, 2017;
2. The affidavit and proof of notice, filed on November 21, 2017;
3. The consent form to the final maps and certificates, filed February 21, 2018; and

4. Commission Staff's Final Recommendation that the Application be approved, filed on March 9, 2018.

JOINT PROPOSED NOTICE OF APPROVAL

Staff and Mustang SUD have agreed on the attached Joint Proposed Notice of Approval to grant Mustang SUD's Application to amend water CCN No. 11856 and sewer CCN No. 20930. Also attached are the final maps and certificates 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.

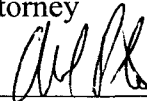
Dated: March 16, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Alexander Petak
State Bar No. 24088216
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
alexander.petak@puc.texas.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2108, true and correct copy of the foregoing document has been served on all parties of record in accordance with 16 Tex. Admin. Code § 22.74.



Alexander Petak

PUC DOCKET NO. 47452

APPLICATION OF MUSTANG	§	BEFORE THE
SPECIAL UTILITY DISTRICT TO	§	
AMEND WATER AND SEWER	§	PUBLIC UTILITY COMMISSION
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN DENTON AND	§	
COLLIN COUNTIES	§	OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application (“Application”) of Mustang Special Utility District (“Mustang SUD”) to amend water certificate of convenience and necessity (“CCN”) No. 11856 and sewer CCN No. 20930 in Denton and Collin Counties. 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 July 28, 2017, Mustang SUD filed an application to amend CCN No. 11856 and sewer CCN No. 20930 in Denton and Collin Counties Application for a sewer CCN in Harris County, Texas.
2. On August 1, 2017, Order No. 1 was issued, requiring comments on administrative completeness and notice, requesting procedural schedule, and addressing other procedural matters.
3. On October 13, 2017, Mustang SUD filed a response to Commission Staff’s recommendation on administrative completeness, responding to the deficiencies with replacement maps and TCEQ approval letters for the appropriate water facilities.
4. On November 3, 2017, Order No. 3 was issued, finding that the Application was administratively complete, adopting the proposed procedural schedule, and requiring Mustang SUD to provide notice.

5. On November 10, 2017, Mustang SUD mailed notice of the Application to current customers, neighboring systems, cities and other affected parties. An affidavit that attests to this notice was dated November 21, 2017.
6. Notice of the Application was published in the *Celina Record* on November 10, 2017 and November 17, 2017. A publisher's affidavit dated November 17, 2017 attests to this notice. Notice of the Application was also published in the *Denton Record-Chronicle* on November 10, 2017 and November 17, 2017. A publisher's affidavit dated November 17, 2017 attests to this notice.
7. On December 12, 2017, Order No. 4 was issued, finding the notice provided by Mustang SUD sufficient and adopting the Commission's procedural schedule.
8. On February 21, 2018, Mustang SUD filed signed consent forms for the final maps and certificates provided by Commission Staff.
9. On March 9, 2018, Commission Staff filed its Final Recommendation, which recommended that the Application be approved.

Evidentiary Record

10. On _____, Order No. _____ was issued, admitting evidence into the record of this proceeding.

Informal Disposition

11. More than 15 days have passed since completion of the notice provided in this docket.
12. Mustang SUD and Commission Staff are the only parties to this proceeding.
13. 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. Mustang SUD is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Mustang SUD 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), Mustang SUD 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 and its current service area as required by TWC § 13.241.
6. Mustang SUD 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), Mustang SUD 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

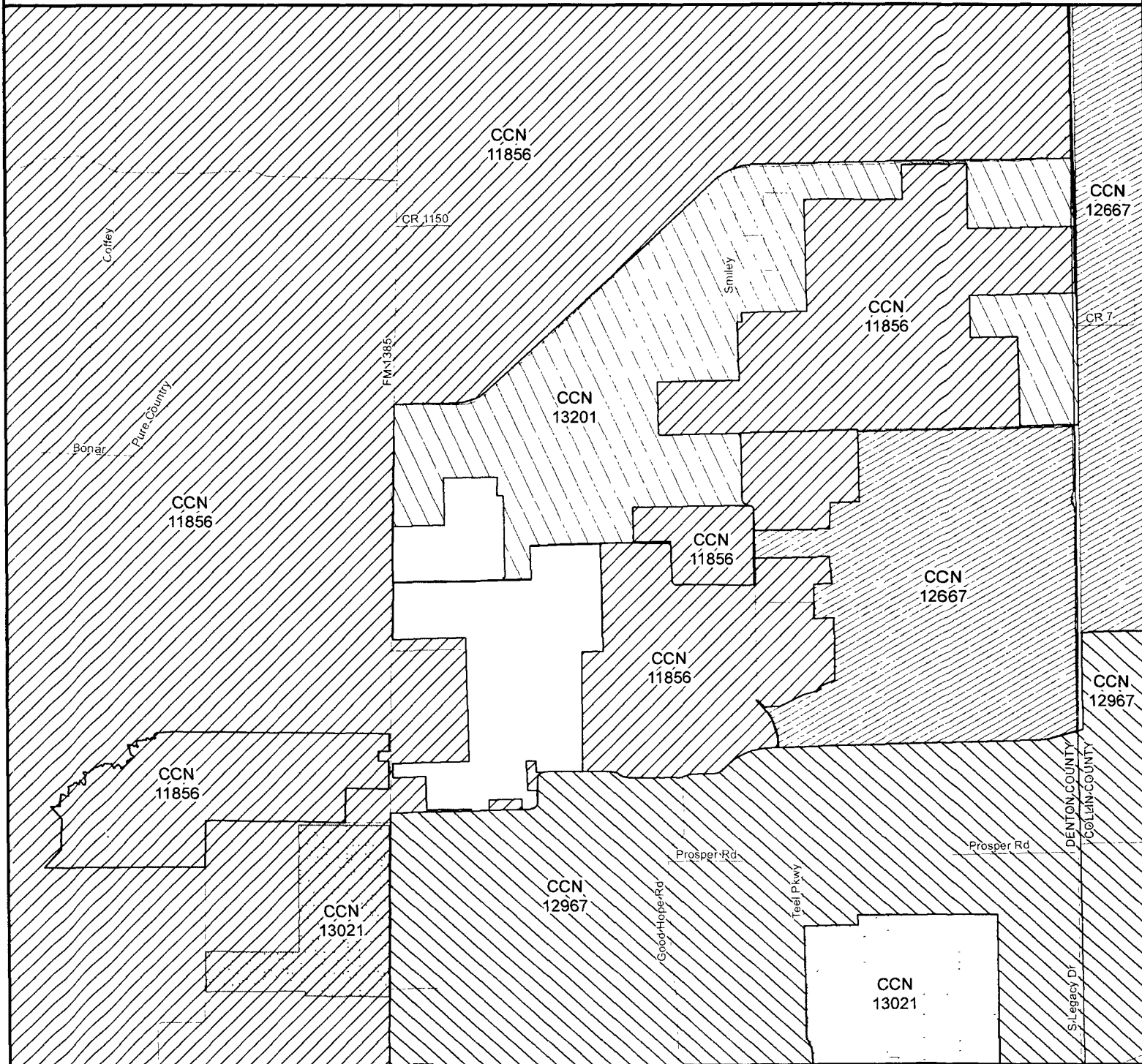
1. The Application to amend a CCN to provide water and sewer utility service in Denton and Collin Counties is approved.
2. The service areas for CCN Nos. 11856 and 20930 are amended.
3. Mustang SUD shall serve every customer and applicant for service within the areas certified under its water CCN, and such service shall be continuous and adequate.
4. Mustang SUD shall comply with the recording requirements in TWC § 13.257(r) for the area in Denton and Collin Counties 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 _____ 2018.






PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE

Mustang SUD
Portion of Water CCN No. 11856
PUC Docket No. 47452
Amended CCN No. 11856 in Collin and Denton Counties



Water CCN

-  11856 - Mustang SUD
-  13201 - Aqua Texas Inc
-  12667 - City of Celina
-  12967 - City of Prosper
-  13021 - Denton County FWSD 10

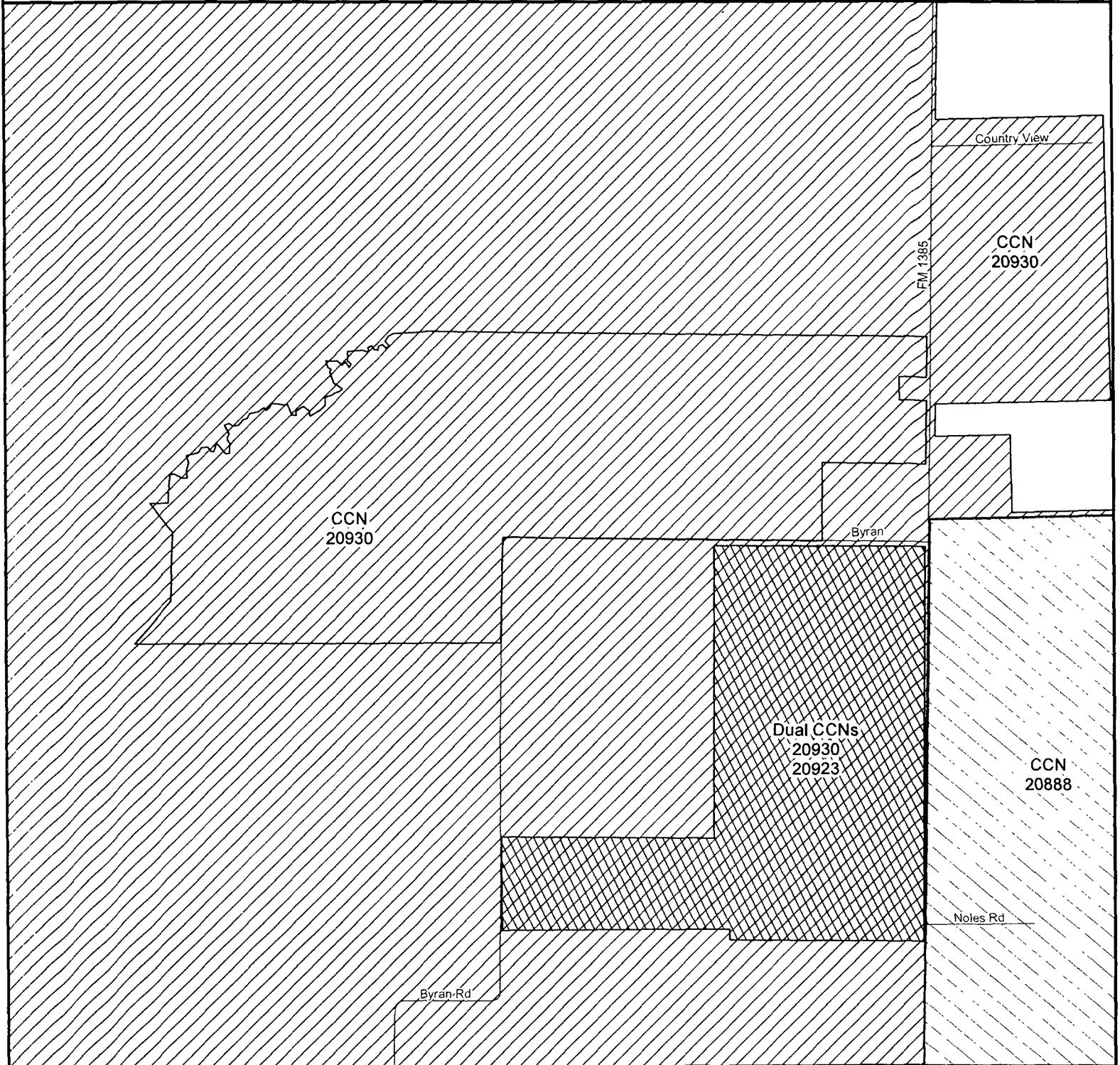
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Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701




Map by Komal Patel
 Date created: February 8, 2018
 Project Path: n:\finalmapping\
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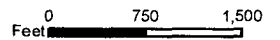
Mustang SUD
Portion of Sewer CCN No. 20930
PUC Docket No. 47452
Amended CCN No. 20930 in Denton County



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

Sewer CCN

-  20930 - Mustang SUD
-  20923 - Denton County FWSD 10
-  20888 - City of Prosper



Map by: Komal Patel
Date created February 8, 2018
Project Path n:\finalmapping\47452MustangSUDSewer.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Mustang Special Utility District

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, Mustang Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 11856

to provide continuous and adequate water utility service to that service area or those service areas in Denton and Collin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47452 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 Mustang Special Utility District 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 Mustang Special Utility District

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, Mustang Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 20930

to provide continuous and adequate sewer utility service to that service area or those service areas in Denton and Collin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47452 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 Mustang Special Utility District 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.

Davis, Tammy

Subject: FW: PUC Filing submission confirmation.

Tracking Number: SOJLEPCZ

Filing Submitted on 3/16/2018 1:34:05 PM
Control Number 46993 APPLICATION OF CITY OF LAVON FOR A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY
Filing Party PUC LEGAL
Filing Type BRIEFS
Description Commission Staff's Reply Brief
Documents 46993 - Reply Brief 3-16 final.docx
46993.pdf
Addendum Included No
Submitted By Tammy Davis
1701 N. Congress Ave
Austin, TX 78701
5129367288
tammy.davis@puc.texas.gov