



Control Number: 47452



Item Number: 18

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DOCKET NO. 47452

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

2018 APR 13 PM 1:06
 PUBLIC UTILITY COMMISSION
 CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Mustang Special Utility District to amend certificates of convenience and necessity (CCNs) in Denton and Collin Counties. Commission Staff recommended approval of the application. The Commission approves the application, as supplemented.

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

I. Findings of Fact

Procedural History

1. On July 28, 2017, Mustang SUD filed an application to amend water CCN No. 11856 and sewer CCN No. 20930 in Denton and Collin Counties.
2. The total proposed service area consists of approximately 1,460 acres for water and 446 acres for sewer. There are currently no existing customers.
3. On August 1, 2017, Order No. 1 was issued requiring Commission Staff's comments on administrative completeness of the application and proposed notice.
4. On August 29, 2017, Order No. 2 was filed finding Mustang SUD's application deficient, establishing deadlines and an opportunity to cure.
5. On October 13, 2017, Mustang SUD filed amended maps and TCEQ approval letters for the appropriate water facilities to cure deficiencies listed in Commission Staff's recommendation.
6. On November 3, 2017, Order No. 3 was issued finding that the application was administratively complete and requiring Mustang SUD to provide notice consistent with Commission Staff's recommendation.

7. On December 12, 2017, Order No. 4 was issued finding the notice provided by Mustang SUD sufficient.
8. On February 21, 2018, Mustang SUD filed a signed consent form concurring with the proposed maps and certificates as prepared by Commission Staff.
9. The maps and certificates referenced above are attached to this Notice.
10. On March 9, 2018, Commission Staff recommended approval of the application.
11. On March 16, 2018, Commission Staff filed a joint motion to admit evidence and proposed notice of approval.

Notice

12. On August 11, 2017, notice of the application was published in the *Texas Register*.
13. On November 21, 2017, Mustang SUD filed an affidavit affirming that mailed notice of the application to current customers, neighboring systems, cities and other affected parties was completed on November 10, 2017.
14. On November 21, 2017, Mustang SUD filed publisher's affidavits affirming that notice was provided by publication in the *Celina Record* and the *Denton Record-Chronicle* on November 10, 2017 and November 17, 2017.

Evidentiary Record

15. On March 23, 2018, Order No. 5 was issued admitting evidence into the record.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. Mustang SUD and Commission Staff are the only parties to this proceeding.
18. No issues of fact or law remain disputed by any party.
19. No protests or requests for hearing were filed.

The Application

20. There is no service currently being provided to the requested area.
21. Mustang SUD currently has no customers. Service in the requested area is needed as CADG

- Aubrey 107, LLC and Pulte Homes of Texas, L.P. have requested water and sewer service through a nonstandard service agreement for the Winn Ridge property.
22. Granting Mustang SUD's CCN amendments will not adversely affect any landowners in the area or any retail public utility serving the proximate area. Through a settlement agreement, Mustang SUD, the City of Aubrey and the developers agreed that Mustang SUD shall be the sole provider of the Winn Ridge water and sewer service areas.
 23. Mustang SUD has the ability to provide adequate service to the requested area through the capacity of its public water system and sewer treatment facilities, approved by the Texas Commission on Environmental Quality.
 24. It is not feasible for an adjacent retail public utility to provide service to the requested area. Through a settlement agreement, Mustang SUD, the City of Aubrey and the developers agreed that Mustang SUD shall be the sole water and sewer service provider of the Winn Ridge property which was decertified from Mustang SUD through expedited release in Docket Nos. 44581¹ and 44580.²
 25. Mustang SUD 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.
 26. The environmental integrity and the effect on the land to be included in the certificate will be minimally affected as the requested area is developed.
 27. Granting the CCN amendment will allow the landowners to obtain water and sewer service from Mustang SUD for future area development.

II. Conclusions of Law

1. Mustang SUD is a retail public utility as defined in TWC § 13.002(19)³ and 16 Texas Administrative Code (TAC) § 24.3(59).

¹ *Petition of CADG Comanche Ridge 248, LLC to Amend Mustang Special Utility District's Certificates of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 44581, Order (Jul. 16, 2015).

² *Petition of Comanche Ridge 52 Partners, Ltd to Amend Mustang Special Utility District's Certificates of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 44580, Order (Jul. 16, 2015)

³ Tex. Water Code Ann § 13.002(19) (West 2008 and Supp. 2017) (TWC).

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,⁴ TWC and Commission rules.
5. After considering the factors in TWC § 13.246(e), Mustang SUD is entitled to approval of their water and sewer certificates of convenience and necessity, 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. Approval of the application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(e).
7. Under TWC § 13.257(r) and (s), 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
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:

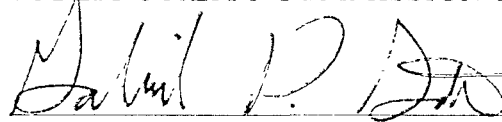
1. The Commission approves the application, as supplemented
2. Mustang SUD's water CCN No. 11856 and sewer CCN No. 20930 are amended, consistent with this Notice.

⁴ Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001- .902 (West 2016 & Supp. 2017)

3. The Commission's official service area boundary maps for Aubrey and Mustang SUD shall reflect this change as shown in the attached maps.
4. Mustang SUD shall serve every customer and applicant for service within the areas certified under its CCNs, and such service shall be continuous and adequate.
5. Mustang SUD shall comply with the recording requirements in TWC § 13.257(r) and (s) 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.
6. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 13TH day of April 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



GABRIEL P. SOTO
ADMINISTRATIVE LAW JUDGE



**Public Utility Commission
of Texas**

**By These Presents Be It Known To All That
Mustang Special Utility District**

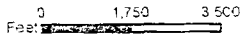
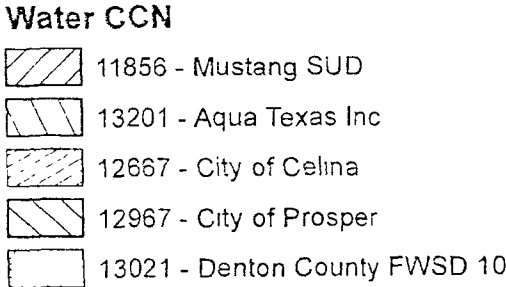
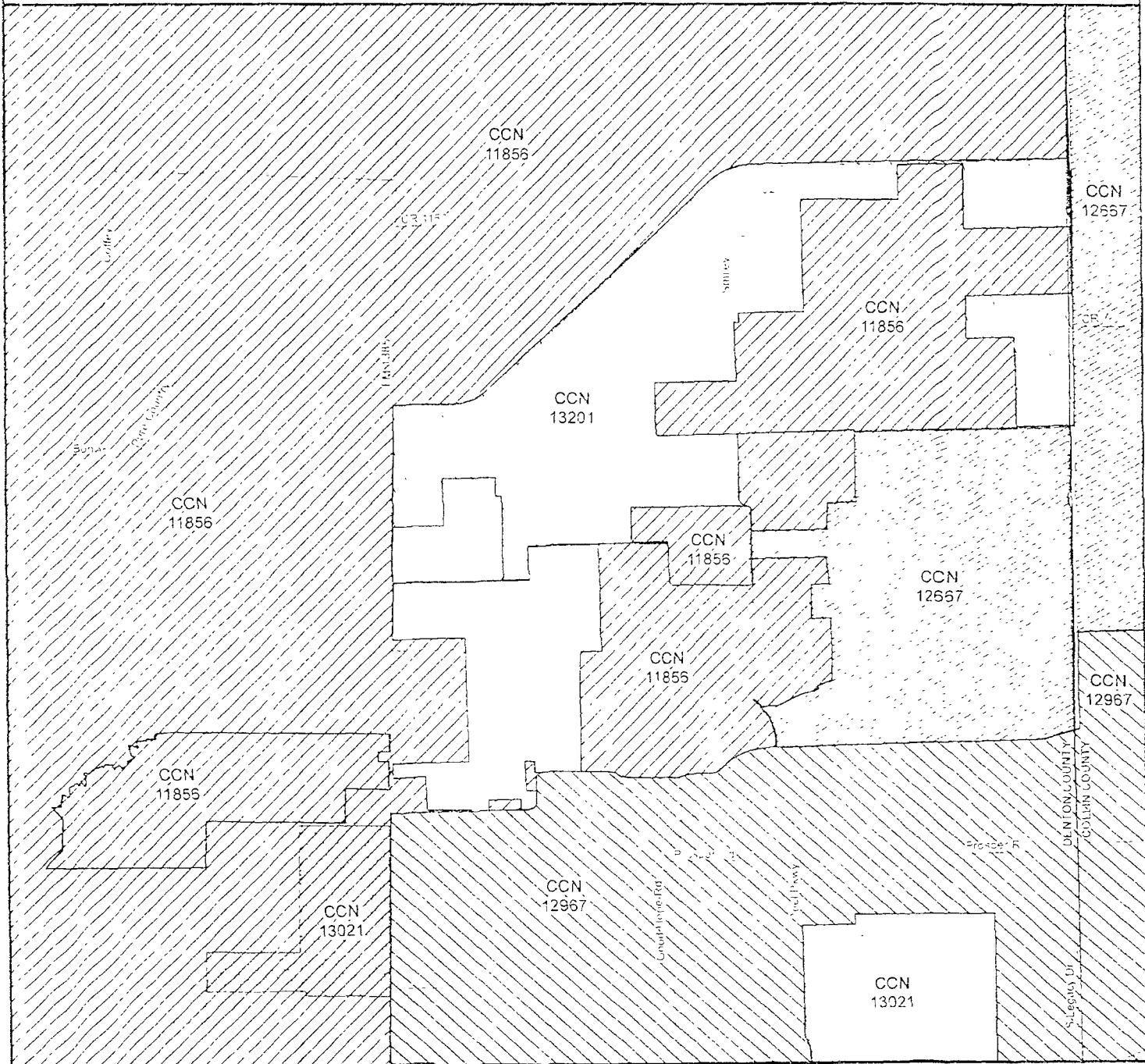
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Mustang Special Utility District is entitled 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 13TH day of APRIL 2018.

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



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
47452MustangSUDWater.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That
Mustang Special Utility District

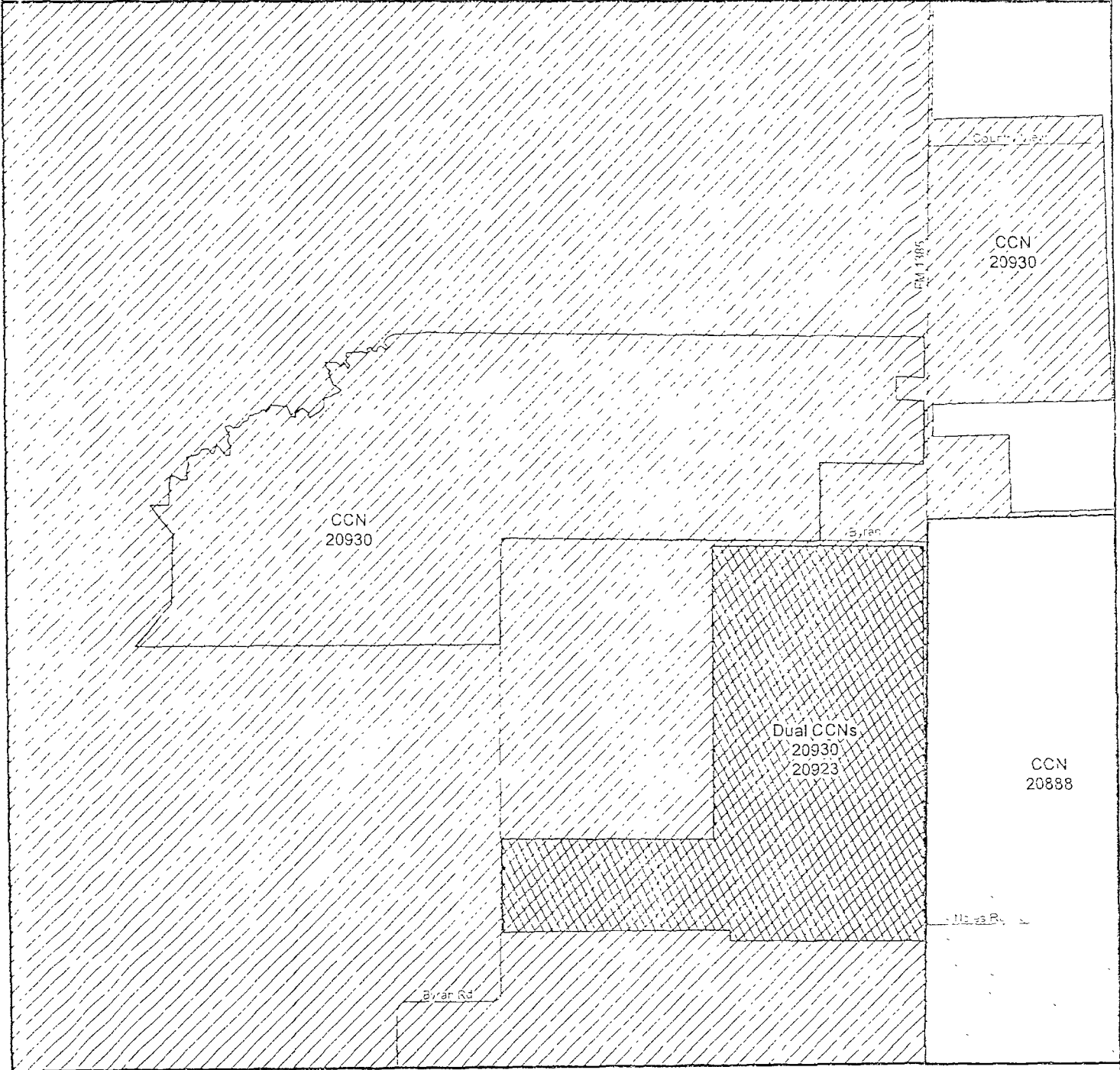
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Mustang Special Utility District is entitled 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 13TH day of APRIL 2018.

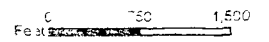
Mustang SUD
 Portion of Sewer CCN No. 20930
 PUC Docket No. 47452
 Amended CCN No. 20930 in Denton County



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
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