



Control Number: 47464



Item Number: 24

Addendum StartPage: 0

DOCKET NO. 47464

APPLICATION OF DRIPPING  
SPRINGS WATER SUPPLY  
CORPORATION TO AMEND A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
HAYS COUNTY

§  
§  
§  
§  
§  
§

RECEIVED  
PUBLIC UTILITY COMMISSION  
2018 AUG -1 14:12:26  
OF TEXAS  
PUBLIC UTILITY COMMISSION  
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the Dripping Springs Water Supply Corporation (WSC) to amend its water certificate of convenience and necessity (CCN) in Hays County. Commission Staff recommends approval of this application. The Commission approves the application.

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

**I. Findings of Fact**

**Applicant Information**

1. Dripping Springs WSC operates, maintains, and controls facilities for providing potable water service for compensation to areas in Hays County under CCN No. 10315.

**The Application**

2. Dripping Springs WSC seeks to amend CCN No. 10315 in Hays County.
3. The requested area includes approximately 102 acres and no current customers.
4. The requested area is located approximately three miles west of downtown Dripping Springs, TX and is generally bounded on the north by US Hwy 290; on the east by Roger Hanks Parkway; on the south by Creek Road; and on the west by Blue Creek Drive.
5. Dripping Springs WSC does not currently provide service to the requested area.
6. A need for service exists because the amendment will allow Dripping Springs WSC to provide water service to the requested area, which the property owner plans to develop into a 108 single-family lot subdivision.

7. Granting the amendment will amend Dripping Springs WSC's CCN boundaries to include the requested area; provide any landowners in the requested area with water service; and have no effect on other retail providers.
8. Dripping Springs WSC has one public water system. No. 1050013, approved by Texas Commission on Environmental Quality (TCEQ), which is capable of providing drinking water that meets the requirements of Texas Health and Safety Code chapter 341 and TCEQ rules.
9. Dripping Springs WSC's public water system has access to an adequate supply of water.
10. Dripping Springs WSC's public water system has no unresolved TCEQ violations.
11. There are no other retail public utilities providing water service in the proximate area and Dripping Springs WSC's existing infrastructure may serve the requested area; therefore, obtaining service from an adjacent retail public utility is not necessary.
12. Dripping Springs WSC 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 service area.
13. The installation of water meter and installation lines to serve each new customer; as well as, any future improvements to meet changing demands will minimally impact the environmental integrity of the land.
14. Granting Dripping Springs WSC's application will have no impact improve service or lower costs for current customers in the requested area because there are no existing customers.

**Notice**

15. On February 20, 2018, Dripping Springs WSC mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
16. On February 15, 2018 and February 22, 2018, Dripping Springs provided notice by publication in the *News Dispatch* circulated in Hays County.
17. On February 28, 2018, Dripping Springs WSC filed an affidavit attesting to mailed and published notice, including copies of individual notices, and publisher's affidavits.
18. On March 2, 2018, Dripping Springs WSC filed copies of the actual notice mailed to affected parties.

**Informal Disposition**

19. More than 15 days have passed since the completion of notice provided in this docket.
20. Dripping Springs WSC and Commission Staff are the only parties to this proceeding.
21. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

**Procedural History**

22. On August 1, 2017, Dripping Springs WSC filed an application to amend its CCN for its service area in Hays County containing approximately 127 acres and serving no current customers.
23. In Order No. 1 issued on August 4, 2017, the administrative law judge (ALJ) required comments on administrative completeness and notice, requested a procedural schedule and addressed other procedural matters.
24. On September 1, 2017, Commission Staff filed a recommendation on administrative completeness.
25. In Order No. 2 issued on September 5, 2017, the ALJ found the application administratively incomplete and established deadlines and an opportunity to cure.
26. On September 14, 2017, Dripping Springs WSC filed supplemental mapping information addressing overlaps and gaps in the existing and requested service areas.
27. On October 2, 2017, Dripping Springs WSC filed a request for an extension of time.
28. In Order No. 3 issued on October 4, 2017, the ALJ granted the request for an extension to continue working with Commission Staff to finalize mapping.
29. On October 10, 2017, Dripping Springs WSC filed supplemental information addressing overlaps and gaps in the existing and requested service areas.
30. On November 20, 2017, Dripping Springs WSC filed supplemental mapping information addressing overlaps and gaps in the existing and requested service areas.
31. On November 20, 2017, Commission Staff filed a supplemental recommendation on administrative completeness.
32. In Order No. 4 issued on November 22, 2017, the ALJ found the application

administratively incomplete and established deadlines.

33. On December 19, 2017, Dripping Springs WSC filed supplemental mapping information to finalize mapping issues.
34. On January 23, 2018, Commission Staff filed a recommendation that the ALJ find the application administratively complete.
35. In Order No. 5 issued on January 24, 2018, the ALJ deemed the application administratively complete, addressed the sufficiency of notice and established a procedural schedule.
36. On March 9, 2018, Commission Staff filed a recommendation that the ALJ deem Dripping Springs WSC's notice sufficient.
37. In Order No. 6 issued on March 13, 2018, the ALJ deemed the notice sufficient and established a procedural schedule.
38. On May 30, 2018, Dripping Springs WSC filed a form concurring with the CCN service area map and certificate provided by Commission Staff.
39. On June 8, 2018, Commission Staff filed a final recommendation for approval of the application.
40. The Commission has attached the final map and certificate referenced in Finding of Fact No. 35 to this Notice.
41. On June 21, 2018, Dripping Springs WSC and Commission Staff filed a joint motion to admit evidence.
42. In Order No. 7 issued on July 24, 2018, the ALJ admitted evidence into the record.

## II. Conclusions of Law

1. The Commission has jurisdiction over this application under TWC §§ 13.041, 13.241, 13.244, and 13.246.
2. Dripping Springs WSC is a retail public utility as defined in TWC § 13.002(19)<sup>1</sup> and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Commission processed the application as required by Administrative Procedure Act,<sup>2</sup> the TWC, and Commission rules.
5. After considering the factors in TWC § 13.246(c), Dripping Springs WSC is entitled to approval of the application.
6. Dripping Springs WSC has demonstrated that approval of this 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), Dripping Springs 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 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 application meets the requirements for informal disposition in 16 TAC § 22.35.

---

<sup>1</sup> Tex. Water Code Ann. § 13.002 (West 2008 & Supp. 2017) (TWC)

<sup>2</sup> Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

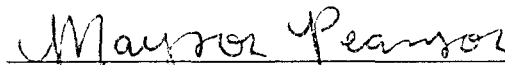
### III. Ordering Paragraphs

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

1. The Commission approves the application.
2. The Commission amends Dripping Springs WSC's water CCN No. 10315, as described in this Notice.
3. Dripping Springs WSC is required to serve every customer and applicant for service within the area certified under water CCN No. 10315, and such service must be continuous and adequate.
4. Dripping Springs WSC is required to comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Hays 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. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

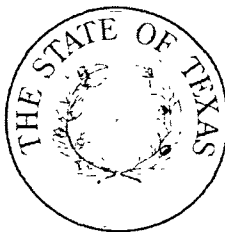
Signed at Austin, Texas the 1st day of August 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**MAYSON PEARSON**

**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

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

## **Dripping Springs Water Supply Corporation**

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, Dripping Springs Water Supply Corporation is entitled to this

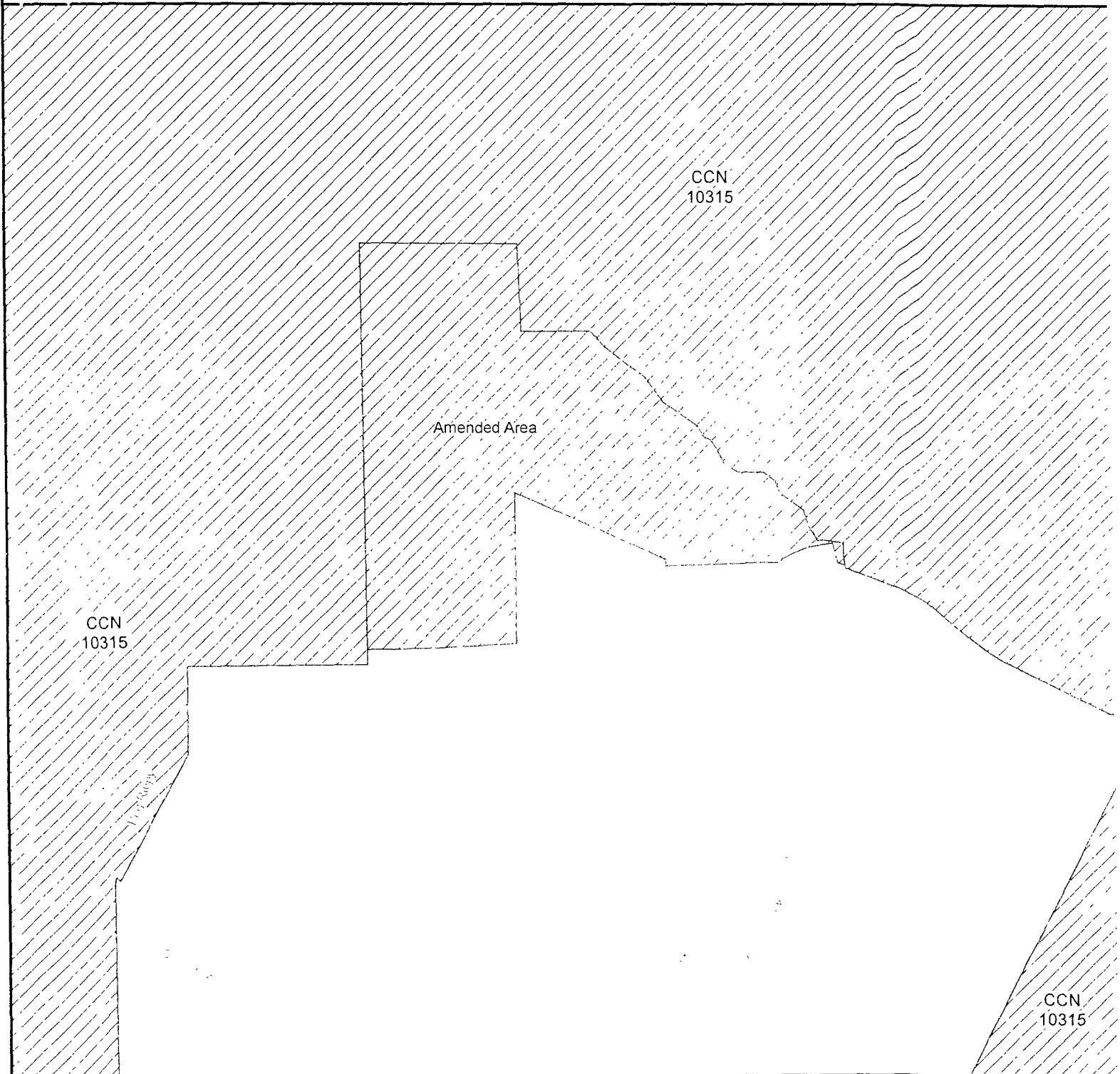
### **Certificate of Convenience and Necessity No. 10315**

to provide continuous and adequate water utility service to that service area or those service areas in Hays County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47464 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Dripping Springs Water Supply Corporation 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, the 1st day of August 2018.



Dripping Springs Water Supply Corporation  
Portion of Water CCN No. 10315  
PUC Docket No. 47464  
Amended CCN No. 10315 in Hays County



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

**Water CCN**



10315 - Dripping Springs WSC

0 500 1,000  
Feet



Map by Komal Patel  
Date created May 22, 2018  
Project Path n:\finalmapping\  
47464DrippingSprings.mxd

000008'