

Control Number: 47543



Item Number: 16

Addendum StartPage: 0

DOCKET NO. 47543

RECEIVED

APPLICATION OF GREEN VALLEY §
SPECIAL UTILITY DISTRICT AND CITY OF §
CIBOLO FOR APPROVAL UNDER TWC §
13.248 TO AMEND CERTIFICATES OF §
CONVENIENC AND NECESSITY IN §
GUADALUPE COUNTY §

2018 JAN 19 AM 9:48
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COMES NOW Green Valley Special Utility District (Green Valley SUD), the City of Cibolo (Cibolo), and RL DL Properties, Ltd (RLDL) together with the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, (collectively, the Parties), and files this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On August 24, 2017, Green Valley SUD, Cibolo, and RL DL (Applicants) filed with the Commission an application for approval to amend by agreement the Green Valley SUD and Cibolo water certificates of convenience and necessity (CCNs) in Guadalupe County under Texas Water Code § 13.248. RL DL owns real property that is bisected by the boundary between the Green Valley SUD and Cibolo. On October 13, 2017, RL DL filed supplemental information to the CCN application. Staff filed a final recommendation of approval on January 5, 2018. Pursuant to Order No. 4, the parties file this joint proposed motion to admit evidence and notice of approval.

II. JOINT MOTION TO ADMIT EVIDENCE

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

- (a) Applicants' Application, filed on August 24, 2017 (AIS Item No. 1);
- (b) Applicants' supplement to the application, filed on October 13, 2017 (AIS Item No. 10);
- (c) The notice of application filed on August 30, 2017 (AIS Item No. 3);

(d) The consent forms to the final map, certificate and tariff, filed December 19, 2017 (AIS Item Nos. 13 and 14); and,

(e) Commission Staff's recommendation that the Application be approved, filed January 5, 2018 (AIS Item No. 15).

III. JOINT PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval would grant Green Valley SUD, Cibolo, and RLDL's Application to amend water CCN Nos. 10646 (Green Valley SUD) and 11903 (Cibolo) in Guadalupe County, Texas. Also attached are the final map, tariff, and certificate that were included in Staff's recommendation on final disposition filed January 5, 2018.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

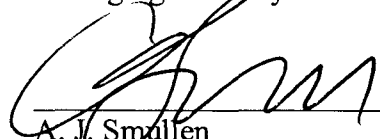
Dated: January 19, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

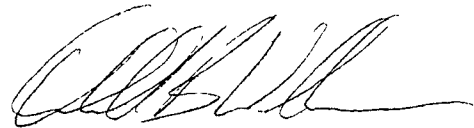
Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



A. J. Smullen
State Bar No. 24083881
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7289
(512) 936-7268 (facsimile)
AJ.Smullen@puc.texas.gov

Gilbert Wilburn, PLLC
7000 North MoPac Blvd., Suite 200
Austin, Texas 78731
Telephone: (512) 535-1661
Telecopier: (512) 535-1678
rbw@gwtlaw.com

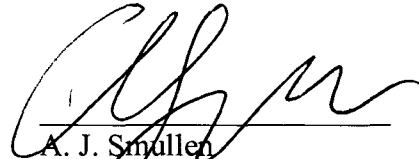


By: _____
Randall B. Wilburn
State Bar No. 24033342
Helen S. Gilbert
State Bar No. 00786263

ATTORNEYS FOR APPLICANTS

DOCKET NO. 47543
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 19, 2018 in accordance with 16 TAC § 22.74.



A. J. Smullen
State Bar No. 24083881

DOCKET NO. 47543

APPLICATION OF GREEN VALLEY	§	PUBLIC UTILITY COMMISSION
SPECIAL UTILITY DISTRICT AND CITY OF	§	
CIBOLO FOR APPROVAL UNDER TWC §	§	OF TEXAS
13.248 TO AMEND CERTIFICATES OF	§	
CONVENIENC AND NECESSITY IN	§	
GUADALUPE COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of Green Valley Special Utility District (Green Valley SUD) and City of Cibolo (Cibolo) (collectively the Applicants) to amend by agreement the Green Valley SUD and Cibolo water certificates of convenience and necessity (CCNs) in Guadalupe County under Texas Water Code § 13.248. The Public Utility Commission Staff (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

1. On August 24, 2017, Green Valley SUD and Cibolo filed an agreement to amend their respective water CCNs in Guadalupe County, Texas as part of an Application filed with the Commission. The Applicants have agreed to transfer a portion of Green Valley SUD's CCN No. 10646 to Cibolo's CCN No. 11903.
2. The requested area includes approximately 116 acres and no affected customers. The contract included with the application is signed by both of the landowners in the affected area.
3. Green Valley SUD holds CCN No. 10646. Cibolo holds CCN No. 11903.
4. On August 30, 2017, Order No. 1 was issued, requiring comments on administrative completeness.
5. On October 13, 2017, Green Valley SUD and Cibolo filed a supplement to their application.

6. On October 30, 2017, Order No. 4 was issued, deeming the application administratively complete, establishing a procedural schedule, and finding that no additional notice beyond publication in the *Texas Register* should be required.
7. On December 19, 2017, Green Valley SUD and Cibolo filed consent forms to the map and CCN transmitted to them on December 11, 2017.
8. On January 5, 2018, Commission Staff filed a final recommendation for approval of the application to which Commission Staff attached the final map and CCN.
9. The final maps and CCN certificate referenced in Findings of Fact No. 7 are attached to this Notice of Approval.

Notice

10. Notice was provided by publication in the *Texas Register* on September 8, 2017.
11. No additional notice of this application was required.

Evidentiary Record

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

Informal Disposition

13. More than 15 days have passed since the completion of the notice provided in this docket.
14. Applicants and Commission Staff are the only remaining parties to this proceeding.
15. No issues of fact or law remain disputed by any party.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.041 and 13.248 (West 2016) (TWC).
2. Green Valley SUD is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code 24.3(59) (TAC).
3. Cibolo is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
4. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.117.
5. The application meets the requirements set forth in TWC § 13.248, and 16 TAC § 24.117

6. After considering the factors in TWC § 13.248, Green Valley SUD and Cibolo are entitled to approval of their agreement to transfer areas within their respective 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(a).
7. 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(c).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), Green Valley SUD and Cibolo are 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

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

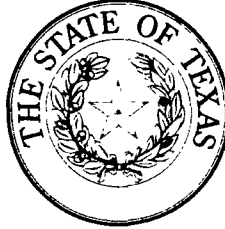
1. Applicants' application is approved.
2. Green Valley SUD's water CCN No. 10646 is hereby amended, consistent with this Notice.
3. Green Valley SUD shall serve every customer and applicant for service within the areas certified under CCN No. 10646, and such service shall be continuous and adequate.
4. Green Valley SUD shall comply with the recording requirements in TWC § 13.257(r) for the area in Guadalupe 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. Cibolo's water CCN No. 11903 is hereby amended, consistent with this Notice.
6. Cibolo serve every customer and applicant for service within the areas certified under CCN No. 11903, and such service shall be continuous and adequate.

7. Cibolo shall comply with the recording requirements in TWC § 13.257(r) for the area in Guadalupe County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
8. 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 on the _____ day of _____ 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

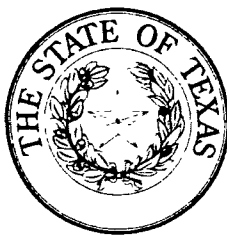
By These Presents Be It Known To All That Green Valley Special Utility District

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, Green Valley Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10646

to provide continuous and adequate water utility service to that service area or those service areas in Bexar, Comal, and Guadalupe Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47543 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 Green Valley 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, the _____ day of _____ 2018.



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Cibolo

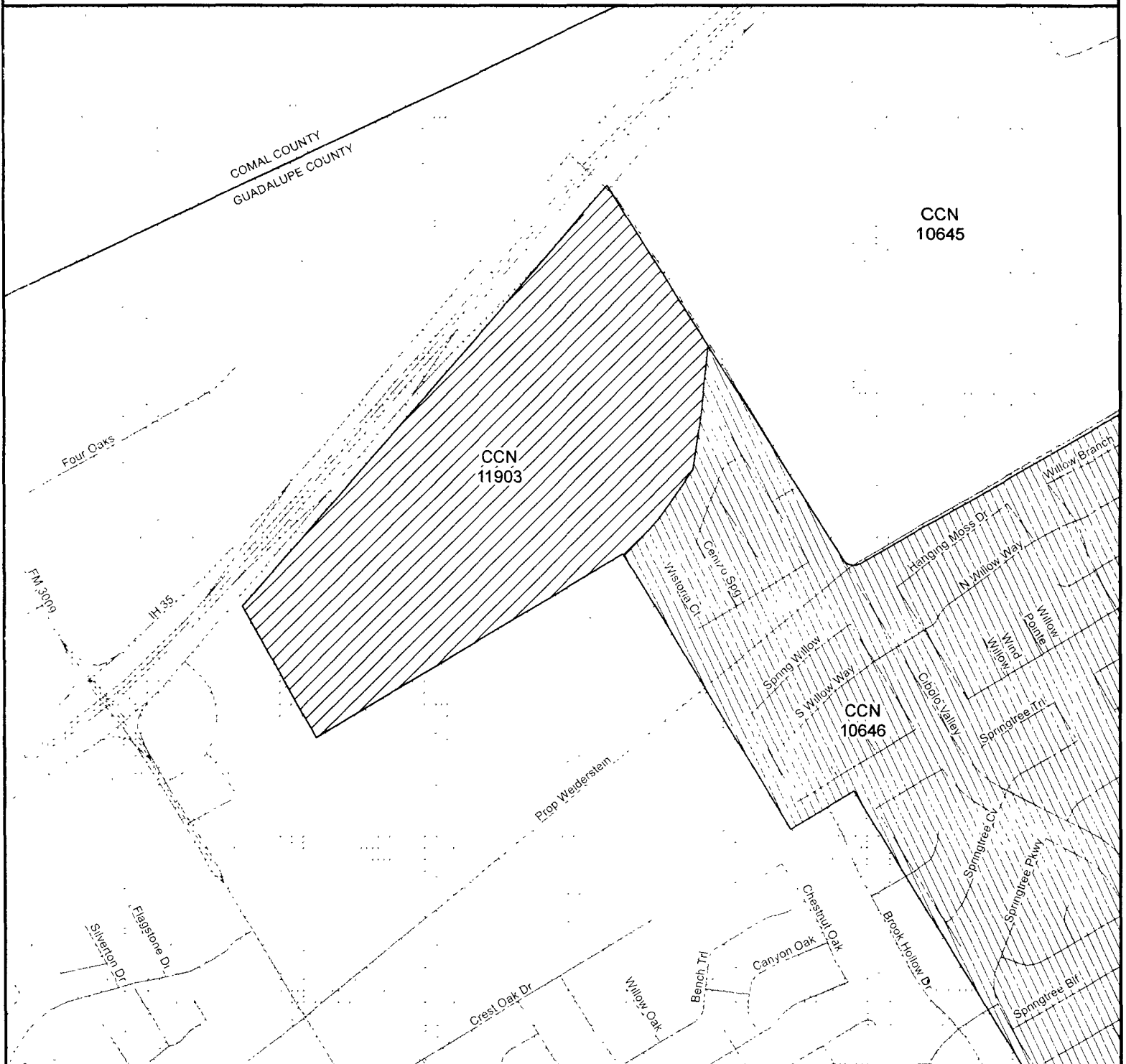
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Cibolo is entitled to this

Certificate of Convenience and Necessity No. 11903

to provide continuous and adequate water utility service to that service area or those service areas in Guadalupe County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47543 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 City of Cibolo 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 _____ day of _____ 2018.

City of Cibolo
 Portion of Water CCN No. 11903
 PUC Docket No. 47543
 13.248 Agreement Amended CCN No. 11903 and
 Decertified a Portion of Green Valley SUD, CCN No. 10646 in Guadalupe County



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

Water CCN

-  11903 - City of Cibolo
-  10646 - Green Valley SUD
-  10645 - City of Schertz

0 450 900
 Feet



Map by: Komal Patel
 Date created: November 10, 2017
 Project Path: n:\finalmapping\47543CityofCibolo.mxd