



Control Number: 47572



Item Number: 11

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PUBLIC UTILITY COMMISSION
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PUC DOCKET NO. 47572

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
BRYAN AND WICKSON CREEK	§	
SPECIAL UTILITY DISTRICT FOR	§	OF
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	TEXAS
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN BRAZOS	§	
COUNTY	§	

**JOINT MOTION TO ADMIT EVIDENCE AND
PROPOSED NOTICE OF APPROVAL**

COMES NOW, City of Bryan, Texas (Bryan) and Wickson Creek Special Utility District (Wickson Creek) (collectively, the Applicants), 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 30, 2017, the City of Bryan (Bryan) filed an application to amend the water certificates of convenience and necessity (CCNs) for Bryan and Wickson Creek Special Utility District (Wickson Creek) inside the corporate limits of Bryan in Brazos County. The application was filed as an application under Texas Water Code § 13.255(a) (TWC). Bryan holds water CCN No. 10187 and Wickson Creek holds water CCN No. 11544. Bryan and Wickson Creek have agreed to amend their respective CCNs to transfer a portion of certified area from Bryan to Wickson Creek, as well as to transfer a portion of certified area from Wickson Creek to Bryan. Currently, there are no retail water customers being served in either of the areas to be transferred between Bryan and Wickson Creek. On September 29, 2017, Staff filed a Recommendation on Sufficiency of Application and Notice. Order No. 2 was issued on October 5 deeming the application administratively complete, addressing notice, restyling the proceeding to proceed

11

under Texas Water Code § 13.248, and establishing December 20, 2017 as the deadline for filing a joint proposed notice of approval including findings of fact and conclusions of law if no hearing was requested. No hearing has been requested, thus this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

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

1. Application, filed on August 30, 2017 (AIS Item No. 1);
2. Notice, filed on September 1, 2017 (AIS Item No. 3);
3. The September 29, 2017 letter from the Applicants stating that the Applicants have no objection to Staff's proposed procedural schedule. (AIS Item No. 5);
4. The consent forms to the final map and certificate, filed on November 15 and 16, 2017 (AIS Item Nos. 8 and 9, respectively); and
5. Commission Staff recommendation that the Application be approved, along with the attached final map and certificates, filed December 7, 2017 (AIS Item No. 10).

III. JOINT PROPOSED NOTICE OF APPROVAL

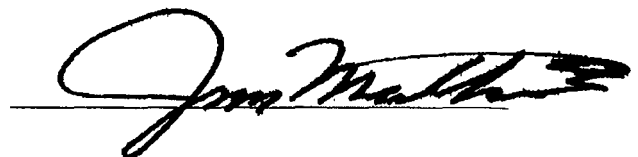
The Parties move for adoption of the attached Joint Proposed Notice of Approval included as **Attachment A**, which would approve the Application to amend water CCN Nos. 10187 (Bryan) and 11544 (Wickson Creek) in Brazos County, Texas.

IV. CONCLUSION

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

Date: December 20, 2017

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jim Mathews", is written over a horizontal line.

Jim Mathews
State Bar. No. 13188700
Mathews & Freeland, LLP
8140 North MoPac Expressway
Westpark II, Suite 260
Austin, TX 78759
Telephone (512) 404-7800
Facsimile (512) 703-2785
jmathews@mandf.com

**ATTORNEYS FOR
THE CITY OF BRYAN**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document was transmitted by fax, hand delivery, and or regular, first class mail on this ~~20th~~ day of December 2017 to all parties of record on in accordance with 16 TAC § 22.74.

Name

A handwritten signature in black ink, appearing to read "Jim Mathews", is written over a horizontal line.

Attachment A

PUC DOCKET NO. 47572

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
BRYAN AND WICKSON CREEK	§	
SPECIAL UTILITY DISTRICT FOR	§	OF
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	TEXAS
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN BRAZOS	§	
COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Bryan, Texas (Bryan) and Wickson Creek Special Utility District (Wickson Creek) (collectively, the Applicants) to amend, by agreement, the Bryan and Wickson Creek water certificates of convenience and necessity (CCNs) in Brazos 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 30, 2017, Bryan filed with the Commission an application pursuant to TWC § 13.255 to recognize an agreement between Bryan and Wickson Creek to amend their respective CCNs inside Bryan's corporate limits to transfer a portion of certified area from Bryan to Wickson Creek, as well as to transfer a portion of certified area from Wickson Creek to Bryan.
2. On September 1, 2017, Order No. 1 was issued, requiring a Staff recommendation on administrative completeness and notice and establishing a schedule.
3. On September 1, 2017, the Notice of Application to Amend a Water CCN was filed.
4. On September 29, 2017, Commission Staff filed a recommendation on administrative completeness, including recommendations that the application be deemed

administratively complete; that the matter be processed under TWC § 13.248; and that no further notice be required.

5. On September 29, Bryan filed a letter on behalf of itself and Wickson Creek stating that the Applicants had no objection to Staff's proposed procedural schedule.
6. On October 5, 2017, Order No. 2 was issued, deeming the application administratively complete, addressing notice, restyling the proceeding to proceed under Texas Water Code § 13.248, and establishing December 20, 2017 as the deadline for filing a joint proposed notice of approval, including findings of fact and conclusions of law if no hearing was requested.
7. On November 15 and 16, respectively, Bryan and Wickson Creek filed consent forms to the maps and CCNs that Staff transmitted to them on November 14, 2017.
8. On December 7, 2017, Commission Staff filed a final recommendation for approval of the Application to which Commission Staff attached the final map and CCNs.
9. The final maps and CCN certificates referenced in Findings of Fact No. 8 are attached to this Notice of Approval.
10. On December 20, 2017, the parties filed a joint motion to admit the following evidence into the record of the proceeding: (a) Application filed on August 30, 2017 (AIS Item No. 1); (b) Notice, filed on September 1, 2017 (AIS Item No. 3); (c) the September 29, 2017, letter from the Applicants stating that Applicants had no objection to Staff's proposed procedural schedule (AIS Item No. 5); (d) the consent forms to the final map and certificate, filed on November 15 and 16, 2017 (AIS Item Nos. 8 and 9, respectively); and (e) Commission Staff's recommendation that the Application be approved, along with the attached final map and certificates, filed December 7, 2017 (AIS Item No. 10).
11. On December 20, 2017, the parties filed a joint proposed notice of approval.

Notice

12. Notice was filed with the Commission on September 1, 2017.
13. There are no customers in either CCN area considered in this Docket.

Evidentiary Record

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

Description of the Application

15. The Applicants have agreed to transfer a portion of Bryan's CCN No. 10187 to Wickson Creek and to transfer a portion of Wickson Creek's CCN No. 11544 to Bryan.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. Applicants and Commission Staff are the only parties to this proceeding.
18. 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 §§ 13.041 and 13.248 (West 2008 & Supp. 2017) (TWC).
2. Bryan is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(59) (TAC).
3. Wickson Creek 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 § 24.106. Public notice was published in the Texas Register on September 15, 2017.
5. The application meets the requirements set forth in TWC §§ 13.241, 13.244, 13.246, and 13.248 and 16 TAC §§ 24.101-.102, 24.104-.106, and 24.117.
6. After considering the factors in TWC § 13.248, Bryan and Wickson Creek 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), Bryan and Wickson Creek 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.

II. ORDERING PARAGRAPHS

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

1. The Application is approved.
2. Bryan's water CCN No. 10187 is hereby amended, consistent with this Notice.
3. Bryan shall serve every customer and applicant for service within the areas certified under CCN No. 10187, and such service shall be continuous and adequate.
4. Bryan shall comply with the recording requirements in TWC § 13.257(r) for the area in Brazos 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. Wickson Creek's water CCN No. 11544 is hereby amended, consistent with this Notice.
6. Wickson Creek shall serve every customer and applicant for service within the areas certified under CCN No. 11544, and such service shall be continuous and adequate.
7. Wickson Creek shall comply with the recording requirements in TWC § 13.257(r) for the area in Brazos 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 _____, 201__.

PUBLIC UTILITY COMMISSION OF TEXAS

**_____
ADMINISTRATIVE LAW JUDGE**



Public Utility Commission of Texas

By These Presents Be It Known To All That

Wickson Creek 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, Wickson Creek Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 11544

to provide continuous and adequate water utility service to that service area or those service areas in Brazos, Grimes, and Robertson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47572 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 Wickson Creek 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 _____ 2017.



Public Utility Commission of Texas

**By These Presents Be It Known To All That
City of Bryan**

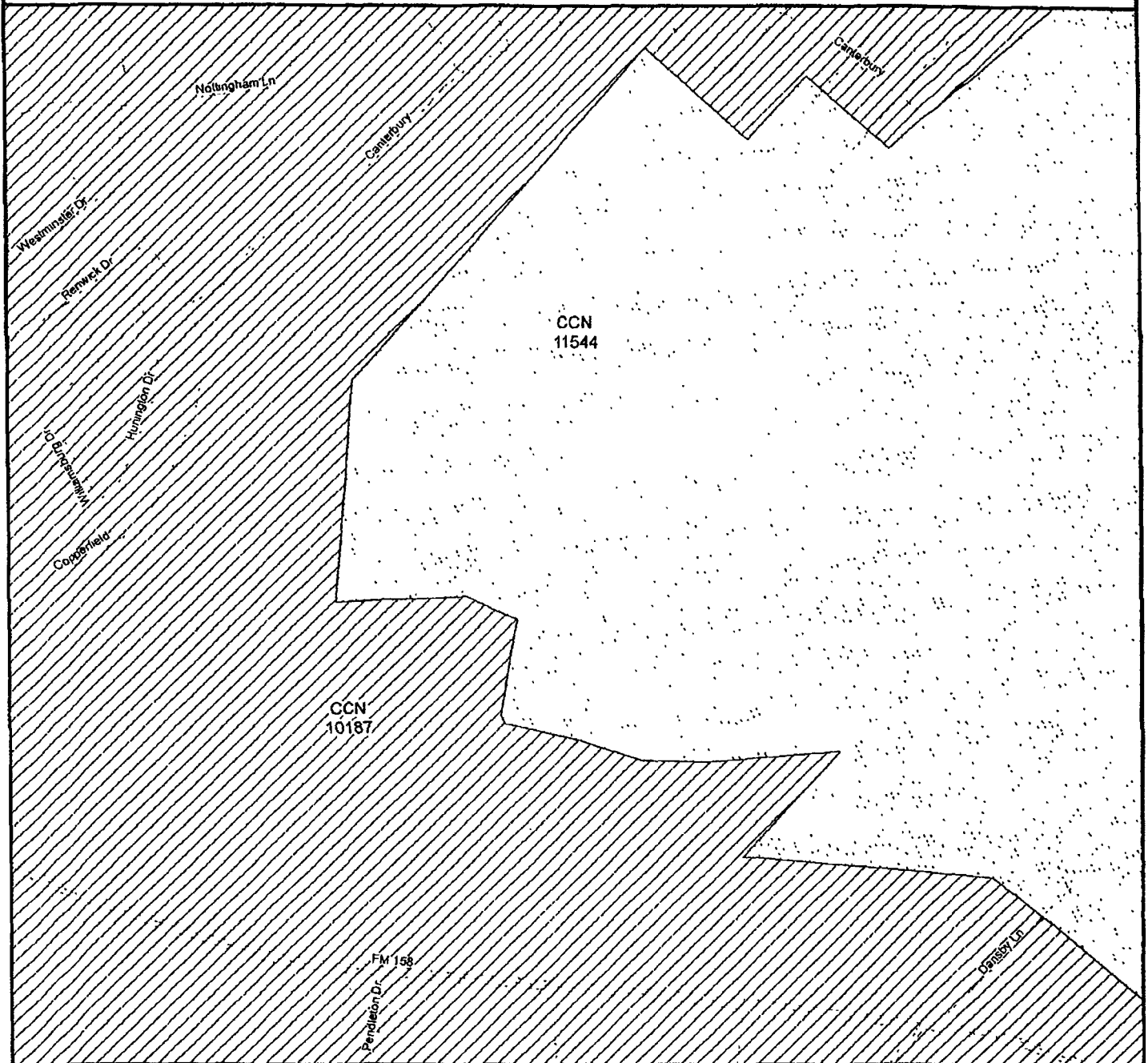
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Bryan is entitled to this

Certificate of Convenience and Necessity No. 10187

to provide continuous and adequate water utility service to that service area or those service areas in Brazos County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47572 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 City of Bryan, 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 _____ 2017.

City of Bryan - Portion of Water CCN No. 10187
Wickson Creek SUD - Portion of Water CCN No. 11544
PUC Docket No. 47572
13.248 Agreement to Transfer a Portion of City of Bryan, CCN No. 10187
and a Portion of Wickson Creek SUD, CCN No. 11544 in Brazos County



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

Water CCN

-  10187 - City of Bryan
-  11544 - Wickson Creek SUD

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Map by Komal Patel
Date created November 7, 2017
Project Path n:\finalmapping\47572CityofBryan.mxd