



Control Number: 47572



Item Number: 13

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DOCKET NO. 47572

2018 JAN 18 AM 11:48
PUBLIC UTILITY COMMISSION
FILING CLERK

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

**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF APPROVAL

This Notice addresses the application of the City of Bryan and Wickson Creek Special Utility District (Wickson Creek SUD) to amend their water certificates of convenience and necessity (CCNs) in Brazos County under Texas Water Code (TWC) § 13.248.¹ 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 an application under TWC § 13.255 to recognize an agreement between Bryan and Wickson Creek SUD to amend their respective CCNs inside Bryan's corporate limits and to transfer a portion of certified area from Bryan to Wickson Creek SUD, as well as to transfer a portion of certified area from Wickson Creek SUD to Bryan.
2. On September 1, 2017, Order No. 1 was issued requiring Commission Staff's recommendation on administrative completeness and notice, requesting a procedural schedule, and addressing other procedural matters.
3. Notice of the application was published in the *Texas Register* on September 15, 2017.

¹ Tex. Water Code Ann. § 13.248 (West 2008 & Supp. 2017).

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4. On September 29, 2017, Commission Staff filed a recommendation 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, 2017, Bryan filed a letter on behalf of itself and Wickson Creek SUD stating that the applicants had no objection to Commission 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 TWC § 13.248, and establishing a procedural schedule.
7. On November 15, 2017 and November 16, 2017, respectively, Bryan and Wickson Creek SUD 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 with an attached final map and CCNs.
9. The final maps and CCN certificates referenced in Finding of Fact No. 8 are attached to this Notice.
10. On December 20, 2017, the parties filed a joint motion to admit evidence into the record of this proceeding.

Notice

11. On September 15, 2017, notice of the application was published in the *Texas Register*.
12. There are no customers in either CCN area considered in this docket.

Evidentiary Record

13. On January 4, 2018, Order No. 3 was issued admitting evidence into the record of this proceeding.

Description of the Application

14. The applicants have agreed to transfer a portion of Bryan's service area under CCN No. 10187 to Wickson Creek SUD and to transfer a portion of Wickson Creek SUD's service area under CCN No. 11544 to Bryan.

Informal Disposition

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

II. Conclusions of Law

1. The Commission has jurisdiction over the application under TWC §§ 13.041 and 13.248.
2. Bryan is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Wickson Creek SUD 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.
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 SUD 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 (s), Bryan and Wickson Creek SUD 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 in 16 TAC § 22.35 have been met in this proceeding.

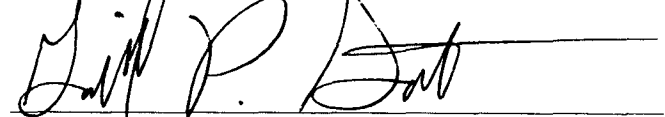
III. Ordering Paragraphs

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

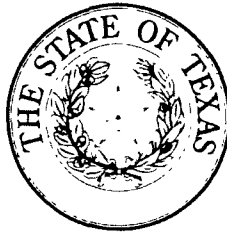
1. The application is approved.
2. Bryan's water CCN No. 10187 is amended, consistent with this Notice.
3. Bryan shall serve every customer and applicant for service within the areas certified under CCN No. 10187, and such service shall be continuous and adequate.
4. Bryan shall comply with the recording requirements in TWC § 13.257(r) and (s) 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 SUD's water CCN No. 11544 is amended, consistent with this Notice.
6. Wickson Creek SUD 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 SUD shall comply with the recording requirements in TWC § 13.257(r) and (s) 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 and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 18TH day of January 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

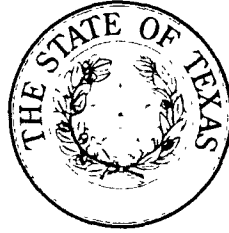
Wickson Creek Special Utility District

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, the 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 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 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, the 18TH day of JANUARY 2018.



Public Utility Commission of Texas

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

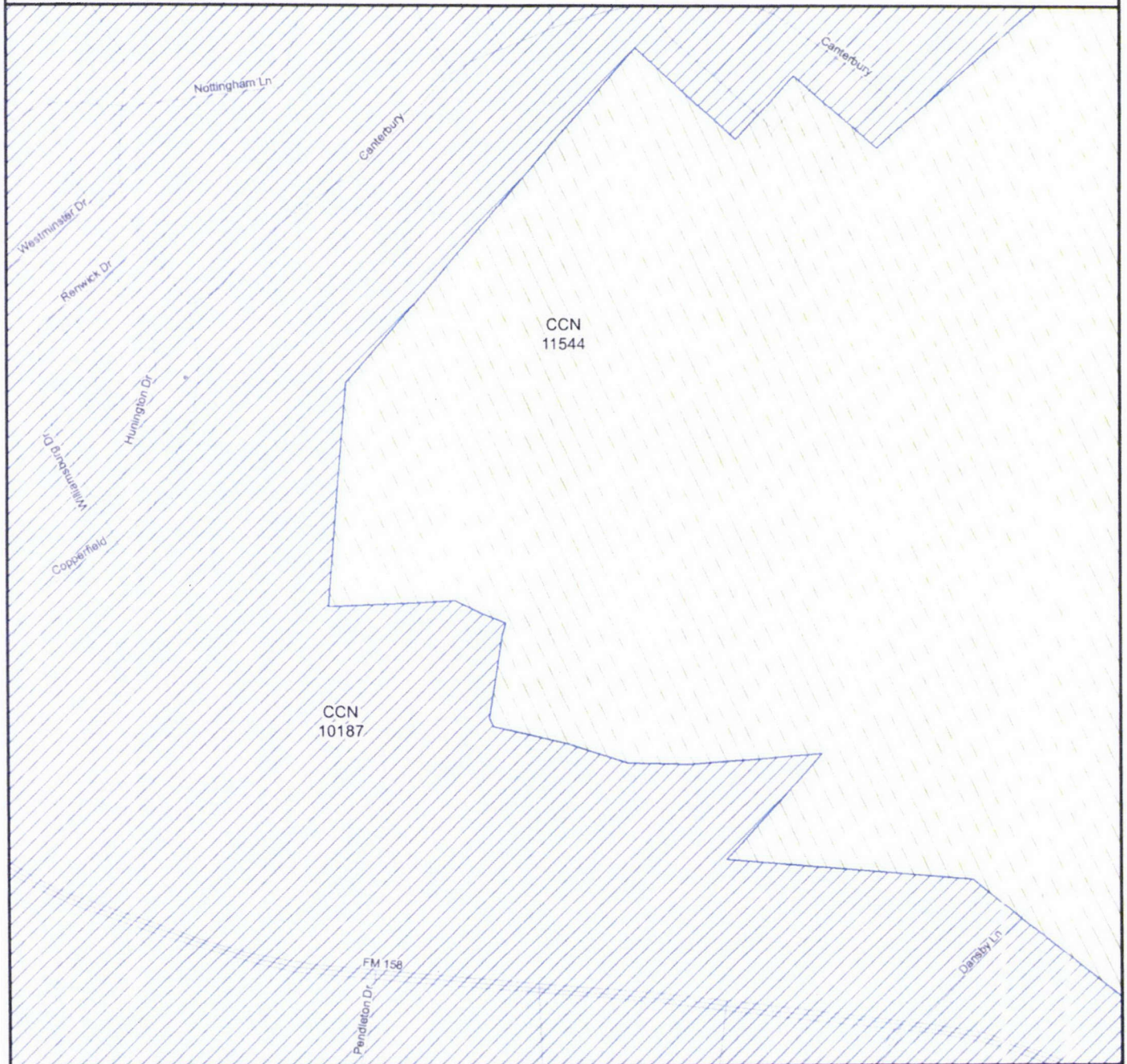
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, the City of Bryan is entitled to this

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 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 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, the 18th day of January 2018.

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

0 350 700
Feet



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