



Control Number: 47592



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DOCKET NO. 47592

**APPLICATION OF JENNIFER FULTZ, §
RECEIVER FOR THUNDERBIRD BAY §
WATER SYSTEM, AND BI-COUNTY §
WATER SUPPLY CORPORATION §
FOR SALE, TRANSFER OR MERGER §
OF FACILITIES AND CERTIFICATE §
RIGHTS IN CAMP COUNTY**

**BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS**

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW Thunderbird Point Water System and Bi-County Water Supply Corporation (Applicants) together with the Staff (Staff) of the Public Utility Commission of Texas (the Commission), representing the public interest (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following.

I. BACKGROUND

On September 11, 2017, Bi-County Water Supply Corporation (Buyer) and Jennifer Fultz, Receiver for Thunderbird Point Water System (Seller) filed an application for sale, transfer, or merger of facilities and certificate right in Camp County, Texas. Specifically, the Buyer seeks approval to acquire a portion of the Seller's facilities and to transfer a portion of the water service

On April 20, 2020, the Administrative Law Judge (ALJ) issued Order No. 12 finding the closing documents sufficient and directing the Parties to jointly file a proposed Notice of Approval by May 21, 2020. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

In order to complete the evidentiary record in this proceeding, the Parties jointly move to have the following additional items admitted in evidence in this proceeding:

- (a) Applicants' Bill of Sale, filed March 26, 2020;
- (b) Commission Staff's closing documents sufficiency recommendation, filed April 17, 2020;
- (c) Applicant's consent form filed on May 5, 2020;

- (d) the attached map and certificates; and
- (e) the attached TCEQ approval letter for interconnection.

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval.

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the Commission adopt the attached Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
Rashmin J. Asher
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Rashmin.Asher@puc.texas.gov

DOCKET NO. 47592

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rashmin J. Asher
Rashmin J. Asher

DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY		

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the September 11, 2017, application of Bi-County Water Supply Corporation (Bi-County or Buyer) and Thunderbird Point Water System (Thunderbird or Seller) (the Applicants) for approval of a sale, transfer, or merger of facilities and certificate rights in Camp County. The Commission approves the transfer of a portion of Thunderbird's facilities and service area under water certificate of convenience and necessity (CCN) number 11243 to Bi-County.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Bi-County is an active member controlled cooperative corporation with charter number 295037.
2. Bi-County is a utility that provides water service in Texas under CCN number 10490 in Camp County.
3. Bi-County has two public water system permits registered with the Texas Commission on Environmental Quality (TCEQ) under public water system (PWS) numbers 0320002 and 1720013
4. Thunderbird is an investor owned utility belonging to Thunderbird Bay Water Services, Inc., a Texas corporation under Receivership that provides water service in Texas under CCN number 11243.

Application

5. On September 11, 2017, applicants filed an application for the approval of the sale of a portion of the water facilities currently owned and operated by Thunderbird and transfer of the corresponding service area held under CCN number 11243 in Camp County from Thunderbird to Bi-County.
6. The requested area consists of approximately 283.5 acres and 178 connections.
7. The requested area subject to this transaction is located approximately six miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north by Lake Bob Sandlin; on the east 1 mile west of Texas Utilities General Co. Railroad; on the south by CR 2601; and on the west by Lake Bob Sandlin.
8. In Order No. 2 issued October 16, 2017, the administrative law judge (ALJ) deemed the application administratively complete.

Notice

9. On November 16, 2017, Thunderbird, filed an affidavit of Jennifer Fultz, Receiver of Thunderbird, attesting that notice was provided to all current water customers of Thunderbird neighboring utilities, counties, cities, and affected parties on October 26, 2017.
10. In Order No. 3, issued November 29, 2017, the ALJ deemed the notice sufficient.

Evidentiary Record

11. On October 21, 2019, the parties filed a joint motion to admit evidence into the record.
12. In Order No. 5 issued on October 25, 2019, the ALJ admitted the following evidence into the record: (a) the Applicants' application, filed on September 11, 2017; (b) Notice of Application for placement in Texas Registrar filed September 12, 2017; (c) Acknowledgement of Receipt of Texas Registrar filed on September 20, 2017; (d) Receiver's affidavit and proof of notice filed November 16, 2017; (e) Receiver's response to Commission Staff's first Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Questions Nos. Staff 1-1 through 1-3, filed on December 11, 2017; (f) and Receiver's response to Commission Staff's second Request for Information to Thunderbird Point Water System and Bi-County Water Supply

Corporation Questions Nos. Staff 2-1 through 2-2, filed on January 8, 2018; (g) Commission Staff's recommendation on sale, filed on January 30, 2018; (h) Receiver's response to Commission Staff's third Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on February 9, 2018; and (i) Receiver's supplement to response of Commission Staff's third Request for information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on March 15, 2018. Applicants' proof of notice and supporting documentation, filed on July 18, 2019;

13. In Order No. ____, issued on May ____, 2020, the ALJ admitted the following evidence into the record: (a) Applicants' Bill of Sale, filed March 26, 2020; (b) Commission Staff's closing documents sufficiency recommendation, filed April 17, 2020; (c) Applicant's consent form filed on May 5, 2020; (d) the attached map and certificates; and (e) the attached TCEQ approval letter for interconnection.

Sale

14. In Order No. 8, issued on June 10, 2019, the ALJ approved the transaction to proceed and required the applicants to file proof that the transaction had closed and that customer deposits had been addressed.
15. On March 26, 2020, Thunderbird filed notice that the sale had closed on November 25, 2020, along with the attached bill of sale and an affidavit of Jennifer Fultz, Receiver that there were no customer deposits to be addressed.
16. In Order No. 12, issued on April 20, 2020, the ALJ found the closing documents sufficient.

Adequacy of Existing Service—TWC § 13.246(c)(1); 16 TAC §§ 24.227(d)(1), 24.239(j)(5)(B)

17. Bi-County operates two PWS identification nos. 0320002 and 1720013 that are capable of providing drinking water that meets the requirements of Texas Health and Safety Code, Chapter 341 and TCEQ rules and have access to an adequate supply of water.

Need for Additional Service—TWC § 13.246(c)(2); 16 TAC §§ 24.227(d)(2), 24.239(j)(5)(C)

18. Bi-County is currently serving 178 customers in the requested area.

Effect of Approving the Transaction and Granting the Amendment—TWC § 13.246(c)(3); 16 TAC §§ 24.227(d)(3), 24.239(j)(5)(D)

19. No retail public utilities serving the proximate area will be affected.

Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), 13.246(c)(4), 13.301(b), (e)(2); 16 TAC §§ 24.227(a), (d)(4), 24.239(g), (j)(5)(E)

20. Through TCEQ's approval of an emergency interconnect, Bi-County interconnected Thunderbird to pressure plane number 2 within their water system. This pressure plane has sufficient capacity to service their current customers and the additional 178 customers to be transferred from Thunderbird.
21. The Applicants provided the attached TCEQ approval letter for interconnection from Bi-County to Thunderbird.

Ability to Serve: Financial Ability and Stability—TWC §§ 13.241(a), 13.246(c)(6), 13.301(b); 16 TAC §§ 24.11(e), 24.227(a), (d)(6), 24.239(g), (j)(5)(G)

22. Bi-County has a debt service coverage ratio of over 1.25 and meets the leverage test.
23. Bi-County has demonstrated the financial capability and stability to provide continuous and adequate water service.

Financial Assurance—TWC § 13.246(d), 13.301(c); 16 TAC §§ 24.227(e), 24.239(h)

24. Bi-County's projected operating revenues are sufficient to cover the projected operations and maintenance expense for the first five years after the completion of the proposed sale and transfer.

Feasibility of Obtaining Service from Adjacent Retail Public Utility—TWC § 13.246(c)(5); 16 TAC §§ 24.227(d)(5), 24.239(j)(5)(F)

25. Bi-County is currently serving 178 customers in the requested area.

Environmental Integrity & Effect on Land—TWC § 13.246(c)(7), § 13.246(c)(9); 16 TAC §§ 24.227(d)(7), 24.227(d)(9), 24.239(j)(5)(H)

26. The environmental integrity of the land will be minimal as Bi-County is upgrading Thunderbird's existing distribution system and extending a six-inch line to Thunderbird's system.

Improvement of Service or Lowering Cost to Consumers—TWC § 13.246(c)(8); 16 TAC §§ 24.227(d)(8), 24.239(j)(5)(I)

27. Approval of the application will allow Thunderbird's system to come into compliance with TCEQ's rules and regulations within its CCN area.

Tariff, Certificate, and Map

28. On April 27, 2020, Commission Staff emailed to the Applicants the final proposed map, and certificates related to this docket.
29. On May 5, 2020, Applicants filed their consent forms concurring with the map, certificate, and revised water tariff.
30. The final map and certificates and tariff were filed as an attachment to the proposed Notice of Approval.
31. Thunderbird has sold and transferred a portion of its facilities and service area under water CCN number 11243 to Bi-County.

Informal Disposition

32. More than 15 days have passed since the completion of notice provided in this docket.
33. No person filed a protest or motion to intervene.
34. Bi-County, Thunderbird, and Commission Staff are the only parties to this proceeding.
35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended approval of the application.
37. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, 13.251, 13.254, and 13.301.
2. Bi-County and Thunderbird are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).

4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, and Commission Rules.
5. Bi-County and Thunderbird completed the sale within the time required by 16 TAC § 24.239(o).
6. After consideration of the factors in TWC § 13.246(c), Bi-County has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area. TWC § 13.301(b).
7. Bi-County and Thunderbird have demonstrated that the sale of a portion of Thunderbird facilities will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.301(d), 13.246(b).
8. A sale not completed in accordance with TWC § 13.301 is void. TWC § 13.301(h).
9. Bi-County must record a certified copy of the certificate granted and map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Camp County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording. TWC § 13.257(r), (s).
10. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves Bi-County's purchase of a portion of Thunderbird's water facilities and the transfer of a portion Thunderbird's water service area under CCN number 11243 to Bi-County, to the extent provided in this Notice of Approval.
2. The Commission transfers portion water CCN number 11243 to Bi-County.
3. The Commission approves the map and certificate attachments to the Joint Proposed Notice of Approval filed on May 21, 2020.
4. Bi-County must serve every customer and applicant for service within the approved area under water CCN number 11243 that requests water service and meets the terms of Bi-County's water service, and such service must be continuous and adequate.

5. Bi-County must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Camp County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the ____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Bi-County 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, Bi-County Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 10490

to provide continuous and adequate water utility service to that service area or those service areas in Camp, Morris, Titus, and Upshur Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47592 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 Bi-County 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, this _____ day of _____ 2020.

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LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
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DOCKET NO. 47592

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Applicants

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18. Bi-County is currently serving 178 customers in the requested area.

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19. No retail public utilities serving the proximate area will be affected.

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Tariff, Certificate, and Map

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31. Thunderbird has sold and transferred a portion of its facilities and service area under water CCN number 11243 to Bi-County.

Informal Disposition

32. More than 15 days have passed since the completion of notice provided in this docket.
33. No person filed a protest or motion to intervene.
34. Bi-County, Thunderbird, and Commission Staff are the only parties to this proceeding.
35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended approval of the application.
37. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, 13.251, 13.254, and 13.301.
2. Bi-County and Thunderbird are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).

4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, and Commission Rules.
5. Bi-County and Thunderbird completed the sale within the time required by 16 TAC § 24.239(o).
6. After consideration of the factors in TWC § 13.246(c), Bi-County has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area. TWC § 13.301(b).
7. Bi-County and Thunderbird have demonstrated that the sale of a portion of Thunderbird facilities will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.301(d), 13.246(b).
8. A sale not completed in accordance with TWC § 13.301 is void. TWC § 13.301(h).
9. Bi-County must record a certified copy of the certificate granted and map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Camp County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording. TWC § 13.257(r), (s).
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III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves Bi-County's purchase of a portion of Thunderbird's water facilities and the transfer of a portion Thunderbird's water service area under CCN number 11243 to Bi-County, to the extent provided in this Notice of Approval.
2. The Commission transfers portion water CCN number 11243 to Bi-County.
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6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the ____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Bi-County 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, Bi-County Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 10490

to provide continuous and adequate water utility service to that service area or those service areas in Camp, Morris, Titus, and Upshur Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47592 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 Bi-County 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, this _____ day of _____ 2020.

Bi-County Water Supply Corporation
Portion of Water CCN No. 10490
PUC Docket No. 47592
Transferred a Portion of Thunderbird Bay, CCN No. 11243 in Camp County



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

Water CCN

-  10490 - Bi-County WSC
-  10402 - Tri SUD

0 400 800
Feet



Map by: Komal Patel
Date created: April 17, 2020
Project Path: n:\finalmapping\
47592BiCountyWSC.mxd

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



PWS_0320013_CO_20180905_Plan Ltr

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

September 5, 2018

Mr. Kyle A. Stephens, P.E.
Hayes Engineering, Inc.
2126 Alpine Road
Longview, Texas 75601

Re: Thunderbird Point Water System - Public Water System ID No. 0320013
Emergency Interconnect with Bi County WSC 1 (PWS ID No. 0320002) and Modifications
to the Existing Standpipe
Engineer Contact Telephone: (903) 758-2010
Plan Review Log No. P-09052018-012
Camp County, Texas

CN: 601363468; RN: 102686185

Dear Mr. Stephens:

On September 4, 2018, the Texas Commission on Environmental Quality (TCEQ) received your letter dated September 5, 2018 requesting emergency interconnect with Bi County WSC 1 (PWS ID # 0320002) and modifications to the existing standpipe on an emergency basis for the above referenced public water system. We have received confirmation of your emergency from Mr. Ross Morgan with the Region 5 Office and the request is **authorized**.

Final approval of this project for permanent use requires review of additional information to confirm that the project meets the applicable minimum standards in Chapter 290 of the TCEQ's "Rules and Regulations for Public Water Systems."

Thunderbird Point Water System is currently operated by Bi County WSC and the referenced system is in the process of being acquired by Bi County WSC. Please note if the system will be acquired by Bi County WSC, the planning material must be submitted by Bi County WSC for review once the emergency project is constructed. We have enclosed the following for your reference:

- Water Distribution Construction Checklist:
- As-Built Submittal Guidance Criteria.

Or, if the Thunderbird Point Water System is operated independently, the referenced Water system must submit planning material to demonstrate the interconnection meets the requirements of 30 TAC Section 290.44(g). We have enclosed the following for your reference:

- Interconnection between Two Public Water Systems Checklist

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DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY		

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW Thunderbird Point Water System and Bi-County Water Supply Corporation (Applicants) together with the Staff (Staff) of the Public Utility Commission of Texas (the Commission), representing the public interest (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following.

I. BACKGROUND

On September 11, 2017, Bi-County Water Supply Corporation (Buyer) and Jennifer Fultz, Receiver for Thunderbird Point Water System (Seller) filed an application for sale, transfer, or merger of facilities and certificate right in Camp County, Texas. Specifically, the Buyer seeks approval to acquire a portion of the Seller's facilities and to transfer a portion of the water service

On April 20, 2020, the Administrative Law Judge (ALJ) issued Order No. 12 finding the closing documents sufficient and directing the Parties to jointly file a proposed Notice of Approval by May 21, 2020. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

In order to complete the evidentiary record in this proceeding, the Parties jointly move to have the following additional items admitted in evidence in this proceeding:

- (a) Applicants' Bill of Sale, filed March 26, 2020;
- (b) Commission Staff's closing documents sufficiency recommendation, filed April 17, 2020;
- (c) Applicant's consent form filed on May 5, 2020;

- (d) the attached map and certificates; and
- (e) the attached TCEQ approval letter for interconnection.

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval.

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the Commission adopt the attached Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
Rashmin J. Asher
State Bar No. 24092058
1701 N. Congress Avenue
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Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
Rashmin.Asher@puc.texas.gov

DOCKET NO. 47592

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rashmin J. Asher
Rashmin J. Asher

DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY		

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the September 11, 2017, application of Bi-County Water Supply Corporation (Bi-County or Buyer) and Thunderbird Point Water System (Thunderbird or Seller) (the Applicants) for approval of a sale, transfer, or merger of facilities and certificate rights in Camp County. The Commission approves the transfer of a portion of Thunderbird's facilities and service area under water certificate of convenience and necessity (CCN) number 11243 to Bi-County.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Bi-County is an active member controlled cooperative corporation with charter number 295037.
2. Bi-County is a utility that provides water service in Texas under CCN number 10490 in Camp County.
3. Bi-County has two public water system permits registered with the Texas Commission on Environmental Quality (TCEQ) under public water system (PWS) numbers 0320002 and 1720013
4. Thunderbird is an investor owned utility belonging to Thunderbird Bay Water Services, Inc., a Texas corporation under Receivership that provides water service in Texas under CCN number 11243.

Application

5. On September 11, 2017, applicants filed an application for the approval of the sale of a portion of the water facilities currently owned and operated by Thunderbird and transfer of the corresponding service area held under CCN number 11243 in Camp County from Thunderbird to Bi-County.
6. The requested area consists of approximately 283.5 acres and 178 connections.
7. The requested area subject to this transaction is located approximately six miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north by Lake Bob Sandlin; on the east 1 mile west of Texas Utilities General Co. Railroad; on the south by CR 2601; and on the west by Lake Bob Sandlin.
8. In Order No. 2 issued October 16, 2017, the administrative law judge (ALJ) deemed the application administratively complete.

Notice

9. On November 16, 2017, Thunderbird, filed an affidavit of Jennifer Fultz, Receiver of Thunderbird, attesting that notice was provided to all current water customers of Thunderbird neighboring utilities, counties, cities, and affected parties on October 26, 2017.
10. In Order No. 3, issued November 29, 2017, the ALJ deemed the notice sufficient.

Evidentiary Record

11. On October 21, 2019, the parties filed a joint motion to admit evidence into the record.
12. In Order No. 5 issued on October 25, 2019, the ALJ admitted the following evidence into the record: (a) the Applicants' application, filed on September 11, 2017; (b) Notice of Application for placement in Texas Registrar filed September 12, 2017; (c) Acknowledgement of Receipt of Texas Registrar filed on September 20, 2017; (d) Receiver's affidavit and proof of notice filed November 16, 2017; (e) Receiver's response to Commission Staff's first Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Questions Nos. Staff 1-1 through 1-3, filed on December 11, 2017; (f) and Receiver's response to Commission Staff's second Request for Information to Thunderbird Point Water System and Bi-County Water Supply

Corporation Questions Nos. Staff 2-1 through 2-2, filed on January 8, 2018; (g) Commission Staff's recommendation on sale, filed on January 30, 2018; (h) Receiver's response to Commission Staff's third Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on February 9, 2018; and (i) Receiver's supplement to response of Commission Staff's third Request for information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on March 15, 2018. Applicants' proof of notice and supporting documentation, filed on July 18, 2019;

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Sale

14. In Order No. 8, issued on June 10, 2019, the ALJ approved the transaction to proceed and required the applicants to file proof that the transaction had closed and that customer deposits had been addressed.
15. On March 26, 2020, Thunderbird filed notice that the sale had closed on November 25, 2020, along with the attached bill of sale and an affidavit of Jennifer Fultz, Receiver that there were no customer deposits to be addressed.
16. In Order No. 12, issued on April 20, 2020, the ALJ found the closing documents sufficient.

Adequacy of Existing Service—TWC § 13.246(c)(1); 16 TAC §§ 24.227(d)(1), 24.239(j)(5)(B)

17. Bi-County operates two PWS identification nos. 0320002 and 1720013 that are capable of providing drinking water that meets the requirements of Texas Health and Safety Code, Chapter 341 and TCEQ rules and have access to an adequate supply of water.

Need for Additional Service—TWC § 13.246(c)(2); 16 TAC §§ 24.227(d)(2), 24.239(j)(5)(C)

18. Bi-County is currently serving 178 customers in the requested area.

Effect of Approving the Transaction and Granting the Amendment—TWC § 13.246(c)(3); 16 TAC §§ 24.227(d)(3), 24.239(j)(5)(D)

19. No retail public utilities serving the proximate area will be affected.

Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), 13.246(c)(4), 13.301(b), (e)(2); 16 TAC §§ 24.227(a), (d)(4), 24.239(g), (j)(5)(E)

20. Through TCEQ's approval of an emergency interconnect, Bi-County interconnected Thunderbird to pressure plane number 2 within their water system. This pressure plane has sufficient capacity to service their current customers and the additional 178 customers to be transferred from Thunderbird.
21. The Applicants provided the attached TCEQ approval letter for interconnection from Bi-County to Thunderbird.

Ability to Serve: Financial Ability and Stability—TWC §§ 13.241(a), 13.246(c)(6), 13.301(b); 16 TAC §§ 24.11(e), 24.227(a), (d)(6), 24.239(g), (j)(5)(G)

22. Bi-County has a debt service coverage ratio of over 1.25 and meets the leverage test.
23. Bi-County has demonstrated the financial capability and stability to provide continuous and adequate water service.

Financial Assurance—TWC § 13.246(d), 13.301(c); 16 TAC §§ 24.227(e), 24.239(h)

24. Bi-County's projected operating revenues are sufficient to cover the projected operations and maintenance expense for the first five years after the completion of the proposed sale and transfer.

Feasibility of Obtaining Service from Adjacent Retail Public Utility—TWC § 13.246(c)(5); 16 TAC §§ 24.227(d)(5), 24.239(j)(5)(F)

25. Bi-County is currently serving 178 customers in the requested area.

Environmental Integrity & Effect on Land—TWC § 13.246(c)(7), § 13.246(c)(9); 16 TAC §§ 24.227(d)(7), 24.227(d)(9), 24.239(j)(5)(H)

26. The environmental integrity of the land will be minimal as Bi-County is upgrading Thunderbird's existing distribution system and extending a six-inch line to Thunderbird's system.

Improvement of Service or Lowering Cost to Consumers—TWC § 13.246(c)(8); 16 TAC §§ 24.227(d)(8), 24.239(j)(5)(I)

27. Approval of the application will allow Thunderbird's system to come into compliance with TCEQ's rules and regulations within its CCN area.

Tariff, Certificate, and Map

28. On April 27, 2020, Commission Staff emailed to the Applicants the final proposed map, and certificates related to this docket.
29. On May 5, 2020, Applicants filed their consent forms concurring with the map, certificate, and revised water tariff.
30. The final map and certificates and tariff were filed as an attachment to the proposed Notice of Approval.
31. Thunderbird has sold and transferred a portion of its facilities and service area under water CCN number 11243 to Bi-County.

Informal Disposition

32. More than 15 days have passed since the completion of notice provided in this docket.
33. No person filed a protest or motion to intervene.
34. Bi-County, Thunderbird, and Commission Staff are the only parties to this proceeding.
35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended approval of the application.
37. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, 13.251, 13.254, and 13.301.
2. Bi-County and Thunderbird are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).

4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, and Commission Rules.
5. Bi-County and Thunderbird completed the sale within the time required by 16 TAC § 24.239(o).
6. After consideration of the factors in TWC § 13.246(c), Bi-County has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area. TWC § 13.301(b).
7. Bi-County and Thunderbird have demonstrated that the sale of a portion of Thunderbird facilities will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.301(d), 13.246(b).
8. A sale not completed in accordance with TWC § 13.301 is void. TWC § 13.301(h).
9. Bi-County must record a certified copy of the certificate granted and map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Camp County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording. TWC § 13.257(r), (s).
10. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves Bi-County's purchase of a portion of Thunderbird's water facilities and the transfer of a portion Thunderbird's water service area under CCN number 11243 to Bi-County, to the extent provided in this Notice of Approval.
2. The Commission transfers portion water CCN number 11243 to Bi-County.
3. The Commission approves the map and certificate attachments to the Joint Proposed Notice of Approval filed on May 21, 2020.
4. Bi-County must serve every customer and applicant for service within the approved area under water CCN number 11243 that requests water service and meets the terms of Bi-County's water service, and such service must be continuous and adequate.

5. Bi-County must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Camp County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the ____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Bi-County 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, Bi-County Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 10490

to provide continuous and adequate water utility service to that service area or those service areas in Camp, Morris, Titus, and Upshur Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47592 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 Bi-County 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, this _____ day of _____ 2020.

Bi-County Water Supply Corporation
Portion of Water CCN No. 10490
PUC Docket No. 47592
Transferred a Portion of Thunderbird Bay, CCN No. 11243 in Camp County



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

Water CCN

-  10490 - Bi-County WSC
-  10402 - Tri SUD

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Feet



Map by: Komal Patel
Date created: April 17, 2020
Project Path: n:\finalmapping\
47592BiCountyWSC.mxd

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



PWS_0320013_CO_20180905_Plan Ltr

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

September 5, 2018

Mr. Kyle A. Stephens, P.E.
Hayes Engineering, Inc.
2126 Alpine Road
Longview, Texas 75601

Re: Thunderbird Point Water System - Public Water System ID No. 0320013
Emergency Interconnect with Bi County WSC 1 (PWS ID No. 0320002) and Modifications
to the Existing Standpipe
Engineer Contact Telephone: (903) 758-2010
Plan Review Log No. P-09052018-012
Camp County, Texas

CN: 601363468; RN: 102686185

Dear Mr. Stephens:

On September 4, 2018, the Texas Commission on Environmental Quality (TCEQ) received your letter dated September 5, 2018 requesting emergency interconnect with Bi County WSC 1 (PWS ID # 0320002) and modifications to the existing standpipe on an emergency basis for the above referenced public water system. We have received confirmation of your emergency from Mr. Ross Morgan with the Region 5 Office and the request is **authorized**.

Final approval of this project for permanent use requires review of additional information to confirm that the project meets the applicable minimum standards in Chapter 290 of the TCEQ's "Rules and Regulations for Public Water Systems."

Thunderbird Point Water System is currently operated by Bi County WSC and the referenced system is in the process of being acquired by Bi County WSC. Please note if the system will be acquired by Bi County WSC, the planning material must be submitted by Bi County WSC for review once the emergency project is constructed. We have enclosed the following for your reference:

- Water Distribution Construction Checklist:
- As-Built Submittal Guidance Criteria.

Or, if the Thunderbird Point Water System is operated independently, the referenced Water system must submit planning material to demonstrate the interconnection meets the requirements of 30 TAC Section 290.44(g). We have enclosed the following for your reference:

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These checklists will assist you in preparing plans/as-built plans. ***The required information shown on this checklist shall be submitted within one month of the date of this letter by a qualified, registered professional engineer licensed to practice in Texas in the form of sealed construction drawings, and specifications.***

The emergency project will be constructed in two phased and consists of the construction of:

- Approximately 1,100 linear feet of water main improvements tying Bi County WSC to the Thunderbird Point Water System and temporary removal of existing standpipe; and
- Modification on an existing standpipe that includes installation of internal inlet riser to the high-water level and disinfecting the tank; Relocation of chlorine injection point for proper mixing prior to entering to standpipe (Second phase).

Please refer to the Plan Review Team's Log No. P-09052018-012 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
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I. BACKGROUND

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**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
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DOCKET NO. 47592

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

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I. Findings of Fact

The Commission makes the following findings of fact.

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1. Bi-County is an active member controlled cooperative corporation with charter number 295037.
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Effect of Approving the Transaction and Granting the Amendment—TWC § 13.246(c)(3); 16 TAC §§ 24.227(d)(3), 24.239(j)(5)(D)

19. No retail public utilities serving the proximate area will be affected.

Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), 13.246(c)(4), 13.301(b), (e)(2); 16 TAC §§ 24.227(a), (d)(4), 24.239(g), (j)(5)(E)

20. Through TCEQ's approval of an emergency interconnect, Bi-County interconnected Thunderbird to pressure plane number 2 within their water system. This pressure plane has sufficient capacity to service their current customers and the additional 178 customers to be transferred from Thunderbird.
21. The Applicants provided the attached TCEQ approval letter for interconnection from Bi-County to Thunderbird.

Ability to Serve: Financial Ability and Stability—TWC §§ 13.241(a), 13.246(c)(6), 13.301(b); 16 TAC §§ 24.11(e), 24.227(a), (d)(6), 24.239(g), (j)(5)(G)

22. Bi-County has a debt service coverage ratio of over 1.25 and meets the leverage test.
23. Bi-County has demonstrated the financial capability and stability to provide continuous and adequate water service.

Financial Assurance—TWC § 13.246(d), 13.301(c); 16 TAC §§ 24.227(e), 24.239(h)

24. Bi-County's projected operating revenues are sufficient to cover the projected operations and maintenance expense for the first five years after the completion of the proposed sale and transfer.

Feasibility of Obtaining Service from Adjacent Retail Public Utility—TWC § 13.246(c)(5); 16 TAC §§ 24.227(d)(5), 24.239(j)(5)(F)

25. Bi-County is currently serving 178 customers in the requested area.

Environmental Integrity & Effect on Land—TWC § 13.246(c)(7), § 13.246(c)(9); 16 TAC §§ 24.227(d)(7), 24.227(d)(9), 24.239(j)(5)(H)

26. The environmental integrity of the land will be minimal as Bi-County is upgrading Thunderbird's existing distribution system and extending a six-inch line to Thunderbird's system.

Improvement of Service or Lowering Cost to Consumers—TWC § 13.246(c)(8); 16 TAC §§ 24.227(d)(8), 24.239(j)(5)(I)

27. Approval of the application will allow Thunderbird's system to come into compliance with TCEQ's rules and regulations within its CCN area.

Tariff, Certificate, and Map

28. On April 27, 2020, Commission Staff emailed to the Applicants the final proposed map, and certificates related to this docket.
29. On May 5, 2020, Applicants filed their consent forms concurring with the map, certificate, and revised water tariff.
30. The final map and certificates and tariff were filed as an attachment to the proposed Notice of Approval.
31. Thunderbird has sold and transferred a portion of its facilities and service area under water CCN number 11243 to Bi-County.

Informal Disposition

32. More than 15 days have passed since the completion of notice provided in this docket.
33. No person filed a protest or motion to intervene.
34. Bi-County, Thunderbird, and Commission Staff are the only parties to this proceeding.
35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended approval of the application.
37. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, 13.251, 13.254, and 13.301.
2. Bi-County and Thunderbird are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).

4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, and Commission Rules.
5. Bi-County and Thunderbird completed the sale within the time required by 16 TAC § 24.239(o).
6. After consideration of the factors in TWC § 13.246(c), Bi-County has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area. TWC § 13.301(b).
7. Bi-County and Thunderbird have demonstrated that the sale of a portion of Thunderbird facilities will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.301(d), 13.246(b).
8. A sale not completed in accordance with TWC § 13.301 is void. TWC § 13.301(h).
9. Bi-County must record a certified copy of the certificate granted and map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Camp County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording. TWC § 13.257(r), (s).
10. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves Bi-County's purchase of a portion of Thunderbird's water facilities and the transfer of a portion Thunderbird's water service area under CCN number 11243 to Bi-County, to the extent provided in this Notice of Approval.
2. The Commission transfers portion water CCN number 11243 to Bi-County.
3. The Commission approves the map and certificate attachments to the Joint Proposed Notice of Approval filed on May 21, 2020.
4. Bi-County must serve every customer and applicant for service within the approved area under water CCN number 11243 that requests water service and meets the terms of Bi-County's water service, and such service must be continuous and adequate.

5. Bi-County must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Camp County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the ____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Bi-County 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, Bi-County Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 10490

to provide continuous and adequate water utility service to that service area or those service areas in Camp, Morris, Titus, and Upshur Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47592 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 Bi-County 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, this _____ day of _____ 2020.

Bi-County Water Supply Corporation
Portion of Water CCN No. 10490
PUC Docket No. 47592
Transferred a Portion of Thunderbird Bay, CCN No. 11243 in Camp County



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

Water CCN

-  10490 - Bi-County WSC
-  10402 - Tri SUD

0 400 800
Feet



Map by: Komal Patel
Date created: April 17, 2020
Project Path: n:\finalmapping\
47592BiCountyWSC.mxd

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



PWS_0320013_CO_20180905_Plan Ltr

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

September 5, 2018

Mr. Kyle A. Stephens, P.E.
Hayes Engineering, Inc.
2126 Alpine Road
Longview, Texas 75601

Re: Thunderbird Point Water System - Public Water System ID No. 0320013
Emergency Interconnect with Bi County WSC 1 (PWS ID No. 0320002) and Modifications
to the Existing Standpipe
Engineer Contact Telephone: (903) 758-2010
Plan Review Log No. P-09052018-012
Camp County, Texas

CN: 601363468; RN: 102686185

Dear Mr. Stephens:

On September 4, 2018, the Texas Commission on Environmental Quality (TCEQ) received your letter dated September 5, 2018 requesting emergency interconnect with Bi County WSC 1 (PWS ID # 0320002) and modifications to the existing standpipe on an emergency basis for the above referenced public water system. We have received confirmation of your emergency from Mr. Ross Morgan with the Region 5 Office and the request is **authorized**.

Final approval of this project for permanent use requires review of additional information to confirm that the project meets the applicable minimum standards in Chapter 290 of the TCEQ's "Rules and Regulations for Public Water Systems."

Thunderbird Point Water System is currently operated by Bi County WSC and the referenced system is in the process of being acquired by Bi County WSC. Please note if the system will be acquired by Bi County WSC, the planning material must be submitted by Bi County WSC for review once the emergency project is constructed. We have enclosed the following for your reference:

- Water Distribution Construction Checklist:
- As-Built Submittal Guidance Criteria.

Or, if the Thunderbird Point Water System is operated independently, the referenced Water system must submit planning material to demonstrate the interconnection meets the requirements of 30 TAC Section 290.44(g). We have enclosed the following for your reference:

- Interconnection between Two Public Water Systems Checklist

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These checklists will assist you in preparing plans/as-built plans. ***The required information shown on this checklist shall be submitted within one month of the date of this letter by a qualified, registered professional engineer licensed to practice in Texas in the form of sealed construction drawings, and specifications.***

The emergency project will be constructed in two phased and consists of the construction of:

- Approximately 1,100 linear feet of water main improvements tying Bi County WSC to the Thunderbird Point Water System and temporary removal of existing standpipe; and
- Modification on an existing standpipe that includes installation of internal inlet riser to the high-water level and disinfecting the tank; Relocation of chlorine injection point for proper mixing prior to entering to standpipe (Second phase).

Please refer to the Plan Review Team's Log No. P-09052018-012 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

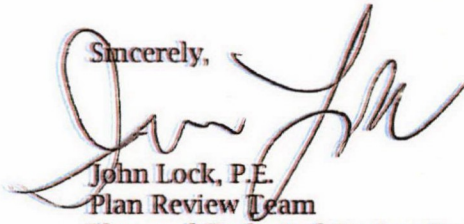
You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

Mr. Kyle A. Stephens, P.E.
Page 3
September 5, 2018

If you have any questions concerning this letter or need further assistance, please contact Pritesh Tripathi at (512)239-3794 or by email at pritesh.tripathi@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/PT/db

Enclosures: Water Distribution Construction Checklist
As-Built Submittal Guidance
Interconnection between Two Public Water Systems Checklist

cc: Thunderbird Point Water System, Attn: Jennifer Fultz, P.O. Box 868, Navasota, Texas
77868

DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY		

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW Thunderbird Point Water System and Bi-County Water Supply Corporation (Applicants) together with the Staff (Staff) of the Public Utility Commission of Texas (the Commission), representing the public interest (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following.

I. BACKGROUND

On September 11, 2017, Bi-County Water Supply Corporation (Buyer) and Jennifer Fultz, Receiver for Thunderbird Point Water System (Seller) filed an application for sale, transfer, or merger of facilities and certificate right in Camp County, Texas. Specifically, the Buyer seeks approval to acquire a portion of the Seller's facilities and to transfer a portion of the water service

On April 20, 2020, the Administrative Law Judge (ALJ) issued Order No. 12 finding the closing documents sufficient and directing the Parties to jointly file a proposed Notice of Approval by May 21, 2020. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

In order to complete the evidentiary record in this proceeding, the Parties jointly move to have the following additional items admitted in evidence in this proceeding:

- (a) Applicants' Bill of Sale, filed March 26, 2020;
- (b) Commission Staff's closing documents sufficiency recommendation, filed April 17, 2020;
- (c) Applicant's consent form filed on May 5, 2020;

- (d) the attached map and certificates; and
- (e) the attached TCEQ approval letter for interconnection.

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval.

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the Commission adopt the attached Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
Rashmin J. Asher
State Bar No. 24092058
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
Rashmin.Asher@puc.texas.gov

DOCKET NO. 47592

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rashmin J. Asher
Rashmin J. Asher

DOCKET NO. 47592

APPLICATION OF JENNIFER FULTZ,	§	BEFORE THE
RECEIVER FOR THUNDERBIRD BAY	§	
WATER SYSTEM, AND BI-COUNTY	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
FOR SALE, TRANSFER OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY		

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the September 11, 2017, application of Bi-County Water Supply Corporation (Bi-County or Buyer) and Thunderbird Point Water System (Thunderbird or Seller) (the Applicants) for approval of a sale, transfer, or merger of facilities and certificate rights in Camp County. The Commission approves the transfer of a portion of Thunderbird's facilities and service area under water certificate of convenience and necessity (CCN) number 11243 to Bi-County.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Bi-County is an active member controlled cooperative corporation with charter number 295037.
2. Bi-County is a utility that provides water service in Texas under CCN number 10490 in Camp County.
3. Bi-County has two public water system permits registered with the Texas Commission on Environmental Quality (TCEQ) under public water system (PWS) numbers 0320002 and 1720013
4. Thunderbird is an investor owned utility belonging to Thunderbird Bay Water Services, Inc., a Texas corporation under Receivership that provides water service in Texas under CCN number 11243.

Application

5. On September 11, 2017, applicants filed an application for the approval of the sale of a portion of the water facilities currently owned and operated by Thunderbird and transfer of the corresponding service area held under CCN number 11243 in Camp County from Thunderbird to Bi-County.
6. The requested area consists of approximately 283.5 acres and 178 connections.
7. The requested area subject to this transaction is located approximately six miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north by Lake Bob Sandlin; on the east 1 mile west of Texas Utilities General Co. Railroad; on the south by CR 2601; and on the west by Lake Bob Sandlin.
8. In Order No. 2 issued October 16, 2017, the administrative law judge (ALJ) deemed the application administratively complete.

Notice

9. On November 16, 2017, Thunderbird, filed an affidavit of Jennifer Fultz, Receiver of Thunderbird, attesting that notice was provided to all current water customers of Thunderbird neighboring utilities, counties, cities, and affected parties on October 26, 2017.
10. In Order No. 3, issued November 29, 2017, the ALJ deemed the notice sufficient.

Evidentiary Record

11. On October 21, 2019, the parties filed a joint motion to admit evidence into the record.
12. In Order No. 5 issued on October 25, 2019, the ALJ admitted the following evidence into the record: (a) the Applicants' application, filed on September 11, 2017; (b) Notice of Application for placement in Texas Registrar filed September 12, 2017; (c) Acknowledgement of Receipt of Texas Registrar filed on September 20, 2017; (d) Receiver's affidavit and proof of notice filed November 16, 2017; (e) Receiver's response to Commission Staff's first Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Questions Nos. Staff 1-1 through 1-3, filed on December 11, 2017; (f) and Receiver's response to Commission Staff's second Request for Information to Thunderbird Point Water System and Bi-County Water Supply

Corporation Questions Nos. Staff 2-1 through 2-2, filed on January 8, 2018; (g) Commission Staff's recommendation on sale, filed on January 30, 2018; (h) Receiver's response to Commission Staff's third Request for Information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on February 9, 2018; and (i) Receiver's supplement to response of Commission Staff's third Request for information to Thunderbird Point Water System and Bi-County Water Supply Corporation Question No. Staff 3-1, filed on March 15, 2018. Applicants' proof of notice and supporting documentation, filed on July 18, 2019;

13. In Order No. ___, issued on May ___, 2020, the ALJ admitted the following evidence into the record: (a) Applicants' Bill of Sale, filed March 26, 2020; (b) Commission Staff's closing documents sufficiency recommendation, filed April 17, 2020; (c) Applicant's consent form filed on May 5, 2020; (d) the attached map and certificates; and (e) the attached TCEQ approval letter for interconnection.

Sale

14. In Order No. 8, issued on June 10, 2019, the ALJ approved the transaction to proceed and required the applicants to file proof that the transaction had closed and that customer deposits had been addressed.
15. On March 26, 2020, Thunderbird filed notice that the sale had closed on November 25, 2020, along with the attached bill of sale and an affidavit of Jennifer Fultz, Receiver that there were no customer deposits to be addressed.
16. In Order No. 12, issued on April 20, 2020, the ALJ found the closing documents sufficient.

Adequacy of Existing Service—TWC § 13.246(c)(1); 16 TAC §§ 24.227(d)(1), 24.239(j)(5)(B)

17. Bi-County operates two PWS identification nos. 0320002 and 1720013 that are capable of providing drinking water that meets the requirements of Texas Health and Safety Code, Chapter 341 and TCEQ rules and have access to an adequate supply of water.

Need for Additional Service—TWC § 13.246(c)(2); 16 TAC §§ 24.227(d)(2), 24.239(j)(5)(C)

18. Bi-County is currently serving 178 customers in the requested area.

Effect of Approving the Transaction and Granting the Amendment—TWC § 13.246(c)(3); 16 TAC §§ 24.227(d)(3), 24.239(j)(5)(D)

19. No retail public utilities serving the proximate area will be affected.

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23. Bi-County has demonstrated the financial capability and stability to provide continuous and adequate water service.

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28. On April 27, 2020, Commission Staff emailed to the Applicants the final proposed map, and certificates related to this docket.
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35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended approval of the application.
37. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, 13.251, 13.254, and 13.301.
2. Bi-County and Thunderbird are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided as required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).

4. The Commission processed the application as required by the TWC, the Administrative Procedure Act, and Commission Rules.
5. Bi-County and Thunderbird completed the sale within the time required by 16 TAC § 24.239(o).
6. After consideration of the factors in TWC § 13.246(c), Bi-County has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area. TWC § 13.301(b).
7. Bi-County and Thunderbird have demonstrated that the sale of a portion of Thunderbird facilities will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.301(d), 13.246(b).
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III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves Bi-County's purchase of a portion of Thunderbird's water facilities and the transfer of a portion Thunderbird's water service area under CCN number 11243 to Bi-County, to the extent provided in this Notice of Approval.
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Signed at Austin, Texas the ____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



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By These Presents Be It Known To All That

Bi-County Water Supply Corporation

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Certificate of Convenience and Necessity No. 10490

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Bi-County Water Supply Corporation
Portion of Water CCN No. 10490
PUC Docket No. 47592
Transferred a Portion of Thunderbird Bay, CCN No. 11243 in Camp County



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

Water CCN

-  10490 - Bi-County WSC
-  10402 - Tri SUD

0 400 800
Feet



Map by: Komal Patel
Date created: April 17, 2020
Project Path: n:\finalmapping\
47592BiCountyWSC.mxd

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



PWS_0320013_CO_20180905_Plan Ltr

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

September 5, 2018

Mr. Kyle A. Stephens, P.E.
Hayes Engineering, Inc.
2126 Alpine Road
Longview, Texas 75601

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Plan Review Log No. P-09052018-012
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CN: 601363468; RN: 102686185

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Final approval of this project for permanent use requires review of additional information to confirm that the project meets the applicable minimum standards in Chapter 290 of the TCEQ's "Rules and Regulations for Public Water Systems."

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These checklists will assist you in preparing plans/as-built plans. ***The required information shown on this checklist shall be submitted within one month of the date of this letter by a qualified, registered professional engineer licensed to practice in Texas in the form of sealed construction drawings, and specifications.***

The emergency project will be constructed in two phased and consists of the construction of:

- Approximately 1,100 linear feet of water main improvements tying Bi County WSC to the Thunderbird Point Water System and temporary removal of existing standpipe; and
- Modification on an existing standpipe that includes installation of internal inlet riser to the high-water level and disinfecting the tank; Relocation of chlorine injection point for proper mixing prior to entering to standpipe (Second phase).

Please refer to the Plan Review Team's Log No. P-09052018-012 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

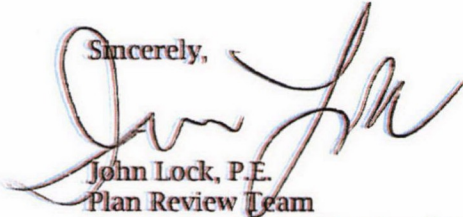
You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

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If you have any questions concerning this letter or need further assistance, please contact Pritesh Tripathi at (512)239-3794 or by email at pritesh.tripathi@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



John Lock, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JL/PT/db

Enclosures: Water Distribution Construction Checklist
As-Built Submittal Guidance
Interconnection between Two Public Water Systems Checklist

cc: Thunderbird Point Water System, Attn: Jennifer Fultz, P.O. Box 868, Navasota, Texas 77868

Mr. Kyle A. Stephens, P.E.

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bcc: TCEQ Central Records PWS File 0320013 (Thunderbird Point WS/P-09052018-012)
TCEQ Region No. 11 Office - Austin
TCEQ PWSCHM, MC-155
TCEQ PWSINV, MC-155

Water Distribution Construction Checklist

Texas Commission on Environmental Quality
Water Supply Division
Plan Review Team MC-159
P.O. Box 13087, Austin, Texas 78711-3087

Public Water System I.D. No. _____
TCEQ Log. No. P- _____

The following list is a brief outline of the "Rules for Public Water Systems", 30 TAC Chapter 290 regarding proposed water distribution system improvements. Sealed plans and specifications meeting, but not limited to, the minimum requirements cited here shall be prepared under the supervision of a Texas licensed professional engineer and submitted to TCEQ for approval. This list is not a substitute for the rules and this checklist cannot be accepted in lieu of the required engineering submittals. Failure to submit the following items may delay project approval. Copies of the rules may be obtained from **Texas Register, 1019 Brazos St, Austin, TX, 78701-2413, Phone: (512) 463-5561** or downloaded from the website: <http://www.tceq.texas.gov/rules/indxpdx.html>

1. ☐ Conforms to American Water Works Association (AWWA) standards. In the absence of AWWA standards, the standards for the American Society for Testing and Materials (ASTM), commercial, and other recognized standards; [§290.44(a)]
2. ☐ Conforms to ANSI/NSF Standard 61 and certified; [§290.44(a)(1)]
3. ☐ Plastic pipe bears NSF-pw seal; ASTM class 150 psi minimum or SDR-26 or less; [§290.44(a)(2)]
4. ☐ Not previously used for any purpose other than drinking water; [§290.44(a)(3)]
5. ☐ Installed by manufacturer's instructions; [§290.44(a)(4)]
6. ☐ Depth of cover is at least 24 inches; [§290.44(a)(4)]
7. ☐ Hydrostatic leakage testing conforms to AWWA method and leakage rate conforms to AWWA formulas; [§290.44(a)(5)]
8. ☐ Pipes and fittings contain no more than 0.25% lead; [§290.44(b)(1)]
9. ☐ Minimum water line sizes; [§290.44(c)]

Connections	Minimum Diameter
10	2 inches
25	2.5
50	3
100	4
150	5
250	6
>250	8 and larger

10. ☐ Air release devices where air locks may occur in the lines. 16-mesh or finer screen on vent; [§290.44(d)(1)]
11. ☐ When service is to be provided to more than one pressure plane or when distribution system conditions and demands are such that low pressures develop, the method of providing increased pressure shall be by means of booster pumps taking suction from storage tanks. Otherwise an exception is required; [§290.44(d)(2)]
12. ☐ Sufficient valves so that necessary repairs can be made without undue interruption of service over any considerable area; [§290.44(d)(5)]
13. ☐ Blow-offs at all dead end mains for flushing the system; [§290.44(d)(5)]

WATER DISTRIBUTION CONSTRUCTION CHECKLIST

14. ☐ Designed to afford effective circulation of water with a minimum of dead ends; [§290.44(d)(6)]
15. ☐ When new potable water distribution lines are constructed, they shall be installed no closer than nine feet in all directions to wastewater collection facilities. All separation distances shall be measured from the outside surface of each of the respective pieces; [§290.44(e)(1)]
16. ☐ Potable water distribution lines and wastewater mains or laterals that form parallel utility lines shall be installed in separate trenches; [§290.44(e)(2)]
17. ☐ No physical connection shall be made between a drinking water supply and a sewer line. Any appurtenance shall be designed and constructed so as to prevent any possibility of sewage entering the drinking water system; [§290.44(e)(3)]
18. ☐ Where the nine-foot separation distance cannot be achieved between parallel water and wastewater lines, the following criteria shall apply: [§290.44(e)(4)(A)]
- ☐ (i) Where a new potable waterline parallels an existing, non-pressure or pressure rated wastewater main or lateral and the licensed professional engineer licensed in the State of Texas is able to determine that the existing wastewater main or lateral is not leaking, the new potable waterline shall be located at least two feet above the existing wastewater main or lateral, measured vertically, and at least four feet away, measured horizontally, from the existing wastewater main or lateral. Every effort shall be exerted not to disturb the bedding and backfill of the existing wastewater main or lateral;
 - ☐ (ii) Where a new potable waterline parallels an existing pressure-rated wastewater main or lateral and it cannot be determined by the licensed professional engineer if the existing line is leaking, the existing wastewater main or lateral shall be replaced with at least 150 psi pressure-rated pipe. The new potable waterline shall be located at least two feet above the new wastewater line, measured vertically, and at least four feet away, measured horizontally, from the replaced wastewater main or lateral; and
 - ☐ (iii) Where a new potable waterline parallels a new wastewater main, the wastewater main or lateral shall be constructed of at least 150 psi pressure-rated pipe. The new potable waterline shall be located at least two feet above the wastewater main or lateral, measured vertically, and at least four feet away, measured horizontally, from the wastewater main or lateral.
19. ☐ Where the nine-foot separation distance cannot be achieved between crossing water and wastewater lines, make note of each crossing and provide sufficient detail in the engineering plans and specifications. Show the crossing in the profile view of the engineering plans so the separation distance between the two lines is shown. Call out all pipe materials and pressure ratings of wastewater lines at each crossing, and make note of the minimum separation distance: [§290.44(e)(4)(B)]
- ☐ (i) For a new waterline that crosses over an existing and non-pressure rated wastewater line, the minimum separation distance is 2 feet. The wastewater line must be perpendicular and constructed in compliance with §290.44(e)(4)(B)(i)(I);
 - ☐ (ii) For a new waterline that crosses over an existing and pressure rated wastewater line, the minimum separation distance is 6 inches. The wastewater line must be perpendicular and be constructed in compliance with §290.44(e)(4)(B)(i)(II);