

Control Number: 47696



Item Number: 27

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RECEIVED

APPLICATION OF WINDTHORST §
 WATER SUPPLY CORPORATION TO §
 AMEND A WATER CERTIFICATE OF §
 CONVENIENCE AND NECESSITY IN §
 ARCHER COUNTY §

PUBLIC UTILITY COMMISSION

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 OF TEXAS
 PUBLIC UTILITY COMMISSION
 FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Windthorst Water Supply Corporation to amend its water certificate of convenience and necessity (CCN) by adding three areas to its service area in Archer County. The Commission approves the application and amends water CCN number 11355 to include the requested area.

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

I. Findings of Fact

Applicant

1. Windthorst is a domestic non-profit corporation registered with the Texas Secretary of State under number 0018890801.
2. Windthorst owns and operates a public water system under Texas Commission on Environmental Quality (TCEQ) identification number 0050013.
3. Windthorst provides retail water service to 532 connections under CCN number 11355 in Archer County.

Application

4. On October 16, 2017, Windthorst filed an application to amend CCN number 11355 in Archer County.
5. Windthorst seeks to add three separate areas totaling approximately 368 acres, three existing customers, and one new customer. Two of the requested areas have three existing customers that receive service from Windthorst but are outside of its CCN boundary, and the third requested area has a new customer seeking water service from Windthorst.
6. The three areas are located between nine miles west and eight miles southwest of downtown Windthorst and are bounded on the north by the intersection of farm-to-market

road 172 and Peyson Road, on the east by United States highway 281, on the south by the intersection of state highway 16 and Westfork Road, and on the west by Demoss Road.

7. On January 5, 2018, Windthorst supplemented the application with clarifications to application questions and provided financial information.
8. On January 26, 2018, Windthorst supplemented the application with revised maps and digital data.
9. On May 17, 2018, Windthorst supplemented the application with revised maps and digital data.
10. In Order No. 7 issued on June 11, 2018, the administrative law judge (ALJ) found the application administratively complete.
11. On October 9, 2018, Windthorst filed a signed consent form concurring with the map and certificate.

Notice of Application

12. Notice of the application appeared in the November 3, 2017 issue of the *Texas Register*.
13. On June 13, 2018, Windthorst mailed notice of the application to neighboring systems, landowners, cities, and customers.
14. On July 5, 2018, Windthorst filed an affidavit attesting to completion of mailed notice.
15. On July 5, 2018, Windthorst filed a publisher's affidavit attesting to notice by publication in the *Archer County News* on June 21, 2018, and June 28, 2018.
16. In Order No. 8 issued on July 13, 2018, the ALJ found the notice sufficient.

Evidentiary Record

17. On October 29, 2018, the parties filed a joint motion for admission of evidence.
18. In Order No. 9 issued on November 28, 2018, the ALJ admitted the following into evidence: (a) Windthorst's application and attachments, filed on October 16, 2017; (b) the *Texas Register* acknowledgement of publication, filed on October 23, 2017; (c) Windthorst's first application supplement, filed on January 5, 2018; (d) Windthorst's second application supplement, filed on January 26, 2018; (e) Windthorst's third application supplement, filed on May 17, 2018; (f) Commission Staff's recommendation

on administrative completeness, filed on June 4, 2018; (g) Windthorst's affidavits of mailed and published notice, filed on July 5, 2018; (h) Commission Staff's recommendation on sufficiency of notice, filed on July 11, 2018; (i) Windthorst's signed consent form, filed on October 9, 2018; and (j) Commission Staff's final recommendation and attachments, filed on October 22, 2018.

Adequacy of Service

19. Windthorst has a TCEQ-approved public water system identification number 0050013 and no violations listed in the TCEQ database.

Need for Service

20. One new customer has requested water service from Windthorst.

Effect of Granting the Retail Public Utility Amendment

21. There are no other retail public utilities in the requested areas.
22. Windthorst will be able to include three existing customers within the boundaries of its CCN.
23. Windthorst will be able to provide water service to one new customer.

Ability to Provide Adequate Service

24. Windthorst purchases water from the City of Wichita Falls through a purchase water contract to meet its capacity needs.
25. Windthorst has adequate capacity to serve the requested areas.
26. Windthorst's ability to provide service in the requested areas will not be adversely affected because Windthorst already provides service to three existing customers and the new customer will pay for the extension of facilities.

Feasibility of Obtaining Service from Adjacent Retail Public Utility

27. It is not feasible for an adjacent utility to provide service because there are no other water providers in the requested areas.

Financial Ability to Pay for Facilities and Financial Stability

28. Windthorst's debt-to-equity ratio of zero and available cash levels demonstrate it has the financial ability needed to serve the requested areas.

Environmental Integrity and Effect on the Land

29. Granting Windthorst's CCN amendment will not adversely impact the environmental integrity of the requested areas due to their rural locations.
30. Granting Windthorst's CCN amendment will eliminate the need for installation of individual wells by landowners.

Improvement of Service or Lowering Costs

31. Windthorst will continue to serve customers in the requested areas using its existing facilities.
32. Windthorst will enable one new customer to receive water service comparable in quality and cost to services currently provided.

Informal Disposition

33. More than 15 days have passed since the completion of notice provided in this docket.
34. No person filed a protest or motion to intervene.
35. No party requested a hearing, and no hearing is required.
36. Windthorst and Commission Staff are the only parties to this proceeding.
37. On October 22, 2018, Commission Staff recommended approval of the application.
38. The decision is not adverse to any party.

II. Conclusions of Law

1. The Commission has jurisdiction over this application under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, and 13.246.
2. Windthorst is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).¹
3. Notice of the application complies with TWC § 13.246 and 16 TAC § 24.235.

¹ References to chapter 24 rules reflect the newly assigned section number effective October 17, 2018.

4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,² the TWC, and Commission rules.
5. Windthorst demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area in Archer County as required under TWC § 13.241(a) and 16 TAC § 24.227.
6. The amendment to CCN number 11355 is necessary for the service, accommodation, convenience, or safety of the public under TWC § 13.246.
7. Under TWC §§ 13.257(r) and (s), Windthorst must record a certified copy of the CCN and map, along with a boundary description of the service areas, in the real property records of Archer County and submit to the Commission evidence of the recording.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

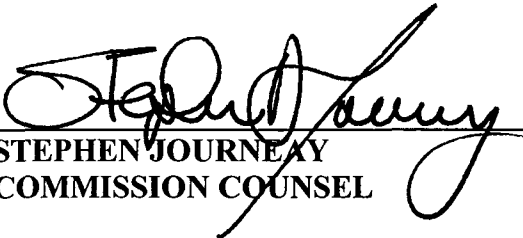
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves the application and amends CCN number 11355 to include the requested service area in Archer County.
2. The Commission approves the map and certificate attached to this Notice.
3. Windthorst must serve every customer and applicant for service within the area certified under CCN number 11355, and such service must be continuous and adequate.
4. Windthorst must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Archer County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

² Tex. Gov't Code §§ 2001.001–902.

Signed at Austin, Texas the 23^d day of January 2019.

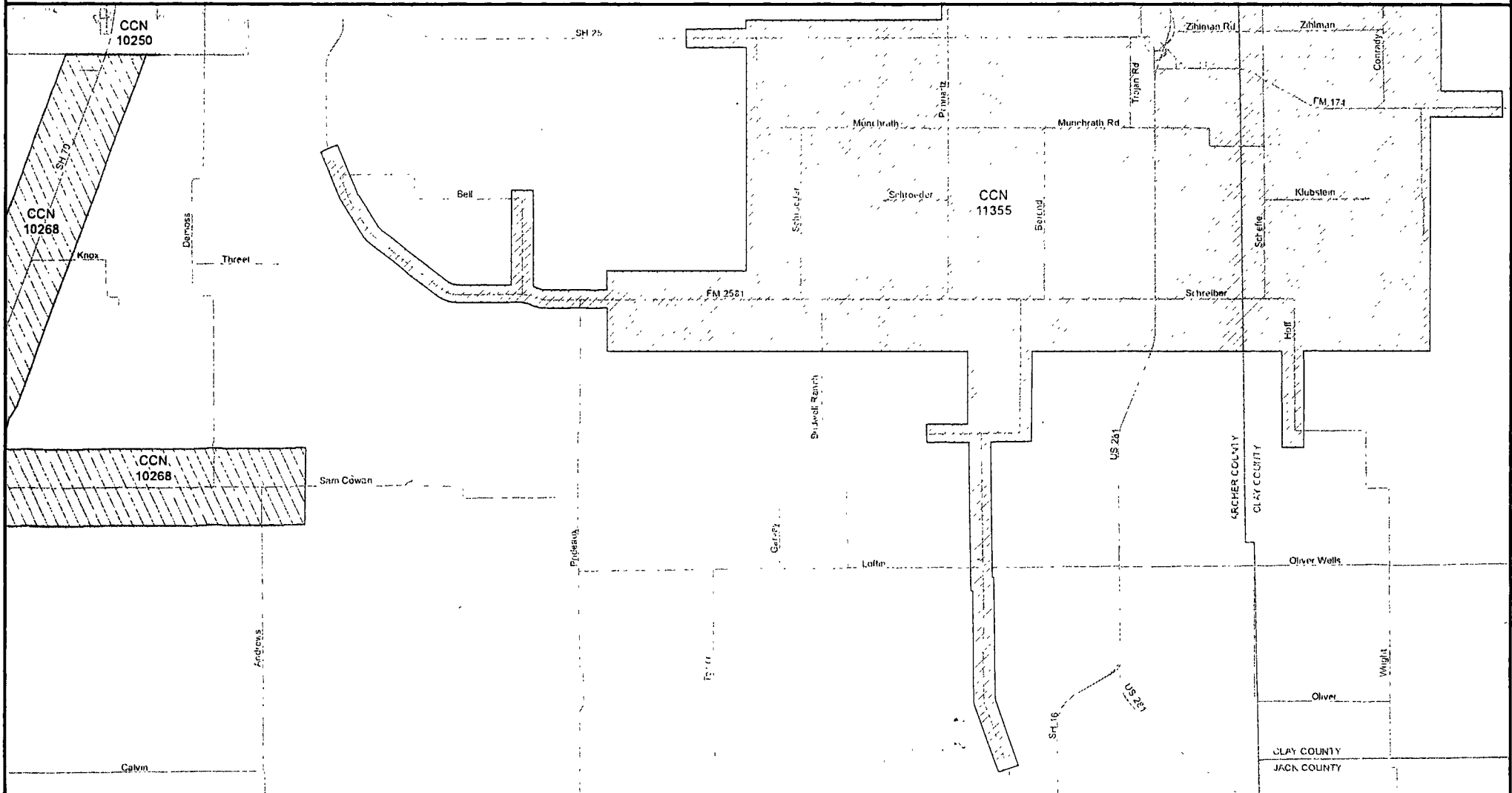
PUBLIC UTILITY COMMISSION OF TEXAS


STEPHEN JOURNEY
COMMISSION COUNSEL

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Windthorst Water Supply Corporation
 Portion of Water CCN No. 11355
 PUC Docket No. 47696
 Amended CCN No. 11355 in Archer County



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

Water CCN

-  11355 - Windthorst WSC
-  10268 - Wichita Valley WSC
-  10250 - City of Archer City

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 Feet



Map by: Komal Patel
 Date created: September 24, 2018
 Project Path: n:\finalmapping\
 47696WindthorstWSC.mxd

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Windthorst 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, Windthorst Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 11355

to provide continuous and adequate water utility service to that service area or those service areas in Archer and Clay Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47696 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 Windthorst 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 23^d day of January 2019.