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DOCKET NO. 47730

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APPLICATION OF GUADALUPE §  
BLANCO RIVER AUTHORITY TO §  
AMEND A SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
GUADALUPE COUNTY §

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

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

COMES NOW Guadalupe Blanco River Authority (GBRA) and the Staff of the Public Utility Commission of Texas (Staff) (collectively, Parties), and hereby submit this Joint Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

**I. BACKGROUND**

On October 25, 2017, Guadalupe-Blanco River Authority (GBRA) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20892 in Guadalupe County. The service area being requested includes an area totaling approximately 7,423 acres, with zero current customers. Order No. 5, issued April 9, 2018, established a deadline of June 1, 2018, for the Parties to file proposed findings of fact and conclusions of law. Therefore, this pleading is timely filed.

**II. MOTION TO ADMIT EVIDENCE**

The Parties request the entry of the following items into the record of this proceeding: (a) Application of Guadalupe Blanco River Authority to Amend a Sewer Certificate of Convenience and Necessity in Guadalupe County (filed on October 25, 2017, AIS Item No. 1); (b) Affidavit of Notification (filed on January 12, 2018, AIS Item No. 8); (c) Publisher’s Affidavit (filed on January 17, 2018, AIS Item No. 9); (d) Wilfred Bartoskewitz Opt Out Request (filed on January 19, 2018, AIS Item No. 10); (e) Dennis Weidner Opt Out Request (filed on January 19, 2018, AIS Item No. 11); (f) Supplemental Proof of Notice (filed on January 24, 2018, AIS Item No. 12); (g) Barbarosa Ranch, LLC Request to Intervene (filed on January 29, 2018, AIS Item No. 14); (h) Melissa Snow Opt Out Request (filed on January 30, 2018, AIS Item No. 15); (i) Revised Mapping Reflecting Opt Out Requests (filed on March 1, 2018, AIS Item No. 18); (j) Barbarosa Ranch, LLC Withdrawal as Intervenor and Request to Opt Out (filed on March 6, 2018, AIS Item No. 19); (k) Consent Form (filed on May 15, 2018, AIS Item No. 22); and (l) Staff’s Final Recommendation

and attachments (filed on May 25, 2018, AIS Item No. 23).

### III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant GBRA's application to amend its sewer CCN No. 20892. The Parties request that the Commission approve the Notice.

### IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

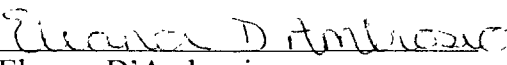
Dated: June 1, 2018

Respectfully Submitted,


**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

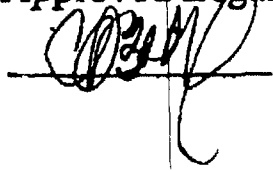
Karen S. Hubbard  
Managing Attorney

  
Eleanor D'Ambrosio  
State Bar No. 24097559  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7295  
(512) 936-7268 (facsimile)  
Eleanor.Dambrosio@puc.texas.gov

**GUADALUPE BLANCO RIVER  
AUTHORITY**

  
Kevin Patteson  
933 East Court Street  
Seguin, Texas 78155  
830-379-5822  
830-379-1766 (fax)  
kpatteson@gbra.org

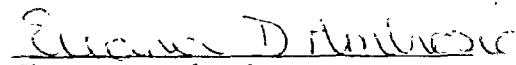
**Approved Legal**



**DOCKET NO. 47730  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on

June 1, 2018, in accordance with 16 Texas Administrative Code § 22.74.

  
Eleanor D'Ambrosio

**DOCKET NO. 47730**

<b>APPLICATION OF GUADALUPE</b>	<b>§</b>	
<b>BLANCO RIVER AUTHORITY TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND A SEWER CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>GUADALUPE COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Proposed Notice of approval addresses the application of Guadalupe Blanco River Authority (GBRA) for an amendment to its sewer certificate of convenience and necessity in Guadalupe County. The Staff of the Public Utility Commission (Staff) recommended approval of the application. Consistent with Staff's recommendation, the application is approved.

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

**I. FINDINGS OF FACT**

**Procedural History and Background**

1. GBRA holds sewer certificate of convenience and necessity (CCN) No. 20892.
2. On October 25, 2017, GBRA filed an application to amend its sewer CCN to include a service area that is comprised of a 7,345 acre tract and a 78 acre tract totaling 7,423 acres with zero current customers.
3. On December 5, 2017, the Administrative Law Judge (ALJ) issued Order No. 2 finding that the application was administratively complete and requiring notice.
4. On January 12, 2018, GBRA filed an affidavit attesting to the provision of notice to landowners, neighboring utilities, and cities.
5. On January 17, 2018, GBRA filed a publisher's affidavit attesting to provision of notice via publication.
6. On January 19, 2018, Wilfred Bartoskewitz filed a request to opt out of GBRA's requested service area.
7. On January 19, 2018, Dennis Weidner filed a request to opt out of GBRA's requested service area.
8. On January 24, 2018, GBRA filed supplemental proof of notice.
9. On January 29, 2018, Barbarosa Ranch, LLC filed a request to intervene in the proceeding.

10. On January 30, 2018, Melissa Snow filed a request to opt out of GBRA's requested service area.
11. On February 2, 2018, the ALJ issued Order No. 3 finding the notice sufficient and setting forth a procedural schedule for processing of opt-out requests.
12. On February 22, 2018, the ALJ issued Order No. 4 granting Barbarosa Ranch LLC's request to intervene.
13. On March 1, 2018, GBRA filed revised maps to accommodate opt-out requests.
14. On March 6, 2018, Barbarosa Ranch, LLC filed a request to withdraw as an intervenor and to opt out of GBRA's requested service area.
15. On April 9, 2018, the ALJ issued Order No. 5 deeming the mapping data sufficient and setting forth a procedural schedule for continued processing of the docket.
16. On May 15, 2018, GBRA filed a signed consent form to the revised map and certificate as prepared by Staff.
17. On May 25, 2018, Staff recommended approval of GBRA's application.

#### **Notice**

1. On November 10, 2017, notice of the application was published in the *Texas Register*.
2. On December 20, 2017, GBRA mailed notice of the application to neighboring utilities, counties, cities, and affected parties.
3. On December 24, 2017 and December 31, 2017, notice was provided by publication in the *Seguin Gazette*, a newspaper of general circulation in Guadalupe County.

#### **Evidentiary Record**

1. On June \_\_\_\_, 2018 the ALJ issued Order No. 6, admitting evidence into the record of this proceeding.

#### **Informal Disposition**

1. More than 15 days have passed since completion of the notice provided in this docket.
2. GBRA and Staff are the only parties to this proceeding.
3. No requests for hearing have been filed and all opt-out requests from affected landowners were accommodated.
4. No issues of fact or law are disputed by the parties.

## **II. CONCLUSIONS OF LAW**

1. GBRA is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
2. The Commission has jurisdiction over GBRA's application pursuant to TWC §§ 13.041, 13.241, 13.244, and 13.246 and 16 TAC §§ 24.102, 24.106, and 24.107.
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), GBRA has 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).
6. GBRA has demonstrated that amendment to its sewer CCN 28092 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).
7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

## **III. ORDERING PARAGRAPHS**

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

1. GBRA's application is approved.
2. GBRA's sewer CCN No. 28092 is hereby amended consistent with this Notice.
3. GBRA shall serve every customer and applicant for service within the approved area under sewer CCN No. 28092 that request sewer service and meet the terms of GBRA's tariff to receive sewer service and such service shall be continuous and adequate.
4. GBRA shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Guadalupe County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the \_\_\_ day of June, 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**