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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

OF TEXAS

COMMISSION FILING CLERK

**NOTICE OF APPROVAL**

This Notice addresses the application of Guadalupe Blanco River Authority (GBRA) to amend a certificate of convenience and necessity (CCN) in Guadalupe County. The Commission amends GBRA’s CCN No. 20892.

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

**I. Findings of Fact**

**Applicant**

1. GBRA is a special-law district created in 1933.
2. GBRA provides centralized wastewater treatment service as a tool to manage the water resources of the Guadalupe River basin.
3. GBRA provides sewer service in Guadalupe County under sewer CCN No. 20892.
4. GBRA owns and operates a Texas Commission on Environmental Quality approved wastewater treatment facility under water quality permit number WQ0011378-001.
5. GBRA has a wastewater treatment agreement with New Braunfels Utilities for additional capacity, as needed in the future.
6. GBRA serves approximately 1,200 connections.
7. GBRA has no outstanding violations.

**Application**

8. On October 25, 2017, GBRA filed an application to amend its CCN No. 20892. The amendment includes a service area that is comprised of a 7,345-acre tract and a 78-acre

tract, totaling 7,423 acres. GBRA currently does not serve any customers in the requested area.

9. In Order No. 2 issued on December 5, 2017, the administrative law judge (ALJ) found the application administratively complete.
10. On May 15, 2018, GBRA filed a signed consent form concurring with the revised map and certificate as prepared by Commission Staff.
11. On May 25, 2018, Commission Staff recommended approval of GBRA's application.
12. On June 1, 2018, the parties filed a joint proposed notice of approval and motion to admit evidence.
13. Granting the amendment will have no effect on any retail public utility servicing the proximate area since no other retail public utility serves in the proximate area.
14. There is no other retail public utility servicing the proximate area, therefore, obtaining service from an adjacent retail public utility is not necessary.
15. Granting the CCN amendment will allow GBRA to provide central wastewater service and eliminate the need for individual septic systems in the requested area thereby not affecting the environmental integrity of the land.
16. The Commission received four landowner opt-out requests and GBRA filed a modified area map to reflect three of those landowner requests. The fourth landowner withdrew its request.
17. GBRA has demonstrated that it has the financial resources to operate and manage the utility and the ability to provide continuous and adequate service to the requested service area.
18. GBRA will continue to provide sewer service to the customers in its existing service area and the new customers in the requested area.
19. GBRA meets all of the statutory requirements of Texas Water Code (TWC) Chapter 13 and the Commission's Chapter 24 rules and regulations and is capable of providing continuous and adequate service.

20. Granting the application is necessary for the service, accommodation, convenience and safety of the public.

**Opt-out requests**

21. On January 19, 2018, Wilfred Bartoskewitz filed a request to opt out of GBRA's requested service area.
22. On January 19, 2018, Dennis Weidner filed a request to opt out of GBRA's requested service area.
23. On January 30, 2018, Melissa Snow filed a request to opt out of GBRA's requested service area.
24. On March 1, 2018, GBRA filed a revised map to accommodate the opt-out requests.
25. On March 6, 2018, Barbarosa Ranch, LLC filed a request to opt out of GBRA's requested service area.

**Interventions**

26. On January 29, 2018, Barbarosa Ranch, LLC filed a request to intervene in the proceeding.
27. In Order No. 4 issued on February 22, 2018, the ALJ granted Barbarosa Ranch LLC's request to intervene.
28. On March 6, 2018, Barbarosa Ranch filed a request to withdraw as an intervenor.
29. In Order No. 7 issued on November 19, 2018, the ALJ dismissed Barbarosa Ranch as an intervenor.

**Evidence**

30. In Order No. 6 issued on June 11, 2018, the ALJ admitted the following evidence into the record: (a) application of GBRA to amend a sewer certificate of convenience and necessity No. 20892 in Guadalupe County filed on October 25, 2017; (b) affidavit of notification filed on January 12, 2018; (c) publisher's affidavit filed on January 17, 2018; (d) opt-out request filed Wilfred Bartoskewitz on January 19, 2018; (e) opt-out request filed by Dennis Weidner on January 19, 2018; (f) supplemental proof of notice filed on January 24, 2018; (g) request to intervene filed by David Burch for Barbarosa Ranch, LLC's on January 29,

2018; (h) opt-out request filed by Melissa Snow on January 30, 2018; (i) revised mapping filed by GBRA on March 1, 2019, reflecting opt out requests, (j) letter from Barbarosa Ranch, LLC requesting to withdraw as an intervenor and to opt-out of the service area filed on March 6, 2018; (k) consent form filed on May 15, 2018; and (l) Commission Staff's final recommendation including attachments filed on May 25, 2018.

**Notice**

31. On November 10, 2017, notice of the application was published in the *Texas Register*.
32. On December 20, 2017, GBRA mailed notice of the application to neighboring utilities, landowners, the county judge, and cities.
33. On December 24, 2017 and December 31, 2017, GBRA provided notice by publication in the *Seguin Gazette*, a newspaper circulated in Guadalupe County.
34. On January 12, 2018, GBRA filed the affidavit of Patrick A. Lackey, Senior Project Manager, attesting that GBRA provided mail notice to neighboring utilities, landowners, the county judge, and cities.
35. On January 17, 2018, GBRA filed a publisher's affidavit affirming that notice of the application was published in the *Seguin Gazette*.
36. On January 24, 2018, GBRA filed revised affidavits and supplemental proof of notice, in response to Commission Staff's request, to include that the newspaper was circulated in Guadalupe County, to provide a more readable copy of the actual published notice, and to include a date in the affidavit of notice mailed to neighboring utilities, landowners, the county judge, and cities.
37. In Order No. 3 issued on February 1, 2018, the ALJ found the notice sufficient.

**Informal Disposition**

38. More than 15 days have passed since the completion of notice provided in this docket.
39. Commission Staff and GBRA are the only parties to this proceeding.
40. No issues of fact or law remain disputed by any party.
41. No requests for hearing were filed.

## II. Conclusions of Law

1. The Commission has jurisdiction over this application under Texas Water Code (TWC) §§ 13.241, 13.244, and 13.246.
2. GBRA is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. GBRA provided public notice of the application as required by TWC § 13.246 and 16 TAC § 24.235.
4. The Commission processed the application in accordance with the Administrative Procedure Act,<sup>1</sup> 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 the approval of this application is necessary for the service, accommodation, convenience, or safety of the public as required in TWC § 13.246(b) and 16 TAC § 24.227 (c).
7. GBRA addressed the opt out requests and modified the service area map as required under 16 TAC § 24.227 (h).
8. Under TWC § 13.257(r) and (s), GBRA is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
9. The application meets the requirements for informal disposition in 16 TAC § 22.35.

## 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, as supplemented.

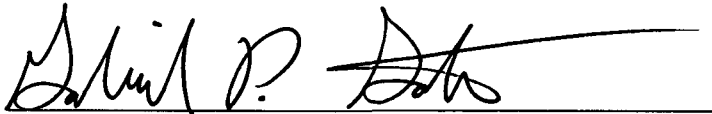
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<sup>1</sup> Tex. Gov't Code §§ 2001.001–.902.

2. The Commission amends GBRA's sewer CCN No. 20892, as described in this Notice.
3. GBRA is required to serve every customer and applicant for service within the area certified under its CCN, and such service must be continuous and adequate.
4. GBRA is required to comply with the recording requirements in TWC § 13.257(r) and (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. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 27<sup>TH</sup> day of November 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Gabriel P. Soto', is written over a horizontal line.

**GABRIEL P. SOTO**

**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission Of Texas

By These Presents Be It Known To All That

## Guadalupe Blanco River Authority

having obtained certification to provide sewer 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, Guadalupe Blanco River Authority, is entitled to this

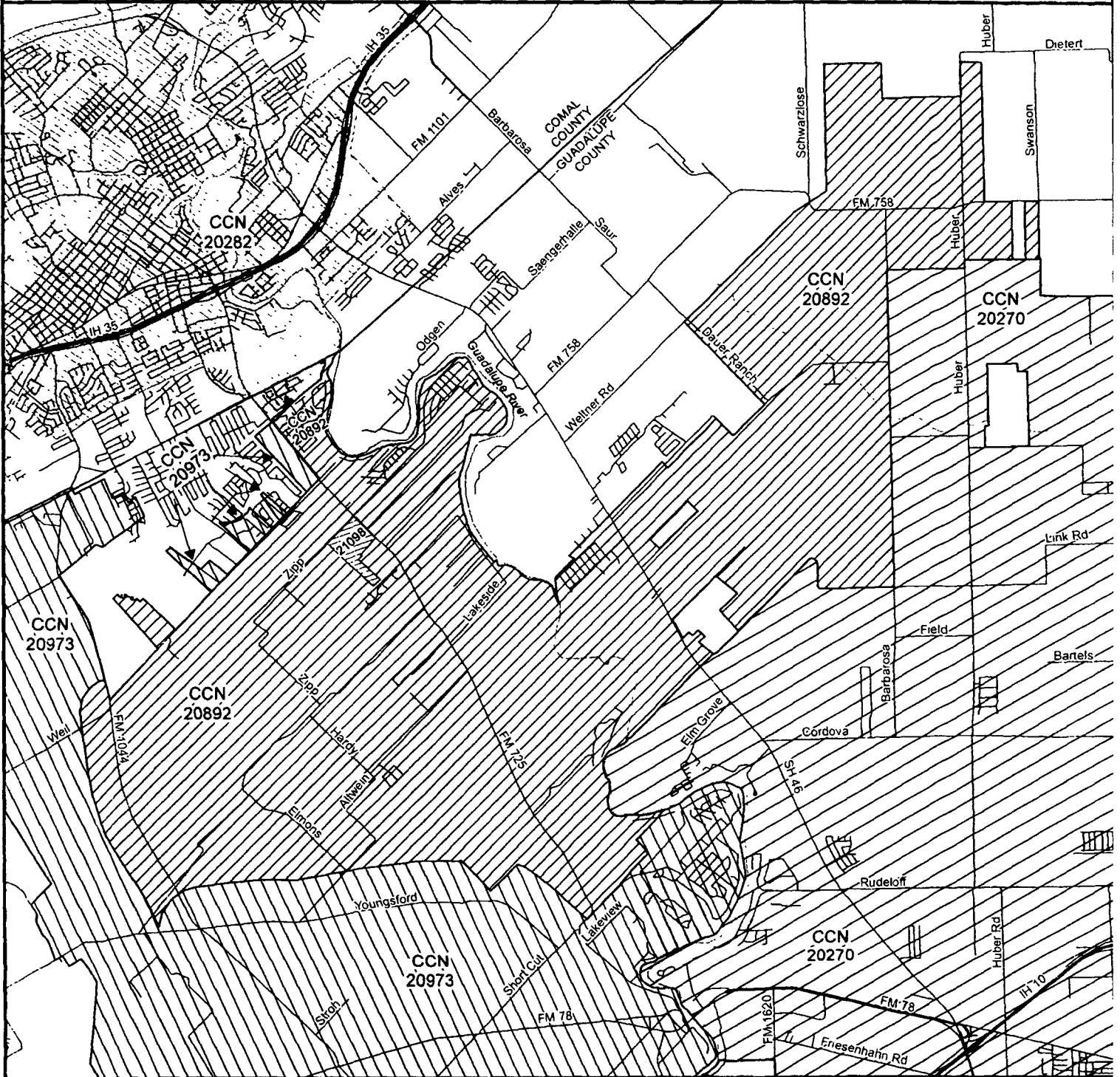
### Certificate of Convenience and Necessity No. 20892

to provide continuous and adequate sewer utility service to that service area or those service areas in Comal, Guadalupe, Hays and Kendall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47730 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 Guadalupe Blanco River Authority, 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 27<sup>th</sup> day of NOVEMBER 2018.








**Guadalupe - Blanco River Authority  
 Portion of Sewer CCN No. 20892  
 PUC Docket No. 47730  
 Amended CCN No. 20892 in Guadalupe County**



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

**Sewer CCN**

-  20892 - Guadalupe-Blanco RA
-  20973 - Green Valley SUD
-  21098 - Zipp Utility Co LLC
-  20282 - City of New Braunfels
-  20270 - City of Seguin

0 0.65 1.3  
 Miles



Map by Komal Patel  
 Date created April 20, 2018  
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 47730GuadalupeBlancoRA.mxd