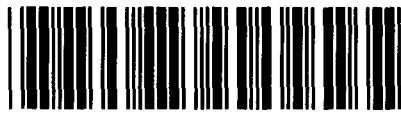


Control Number: 47776



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DOCKET NO. 47776

**PETITION OF BETHEL-ASH
WATER SUPPLY CORPORATION TO
AMEND A WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN HENDERSON COUNTY**

§
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§
§

PUBLIC UTILITY COMMISSION

2018 AUG -2 PM 2:54
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COME NOW BETHEL-ASH WATER SUPPLY CORPORATION (Bethel-Ash) 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 November 14, 2017, Bethel-Ash filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10821 in Henderson County. The service area being requested totals approximately 418 acres and 5 current customers.

Order No. 5, issued May 22, 2018, established a deadline of August 6, 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 Bethel-Ash Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Henderson County (filed on November 14, 2017, AIS Item No. 1); (b) Affidavits & Notice to Affected Parties (filed on May 9, 2018, AIS Item No. 13); (c) Consent Form (filed on July 16, 2018, AIS Item No. 17); and (d) Staff's Recommendation on Final Disposition and supporting documentation (filed on July 27, 2018, AIS Item No. 18).

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant Bethel-Ash's application to amend its water CCN No. 10821. 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.

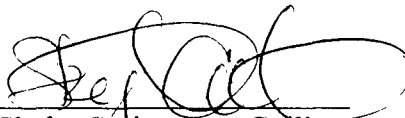
Dated: August 2, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

A handwritten signature in black ink, appearing to read 'Skyler Collins', written over a horizontal line.

Skyler Springsteen Collins
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(512) 936-7268 (facsimile)
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 2, 2018, in accordance with 16 TAC § 22.74.



Skyler Springsteen Collins

DOCKET NO. 47776

PETITION OF BETHEL-ASH	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION TO	§	
AMEND A WATER CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN HENDERSON COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application of Bethel-Ash Water Supply Corporation (Bethel-Ash) for an amendment to its water certificate of convenience and necessity in Henderson 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. Bethel-Ash holds water certificate of convenience and necessity (CCN) No. 10821.
2. On November 14, 2017, Bethel-Ash filed an application to amend its water CCN to include a service area that totals approximately 418 acres and 5 current customers.
3. On February 20, 2018, the Administrative Law Judge (ALJ) issued Order No. 3 finding that the application was administratively complete and requiring notice.
4. On May 9, 2018, Bethel-Ash filed affidavits attesting to the provision of notice to customers and other affected parties.
5. On May 22, 2018, the ALJ issued Order No. 5 finding the notice sufficient and setting forth a procedural schedule.
6. On July 16, 2018, Bethel-Ash filed a consent form to the revised map and certificate as prepared by Staff.
7. On July 27, 2018, Staff recommended approval of Bethel-Ash's application.

Notice

1. On December 1, 2017, notice of the application was published in the *Texas Register*.
2. On March 7, 2018, Bethel-Ash mailed notice of the application to neighboring utilities, counties, cities, and affected parties.
3. On March 3, 2018, and March 8, 2018, notice was provided by publication in the *Athens Daily Review*, a newspaper of general circulation in Henderson County.

Evidentiary Record

1. On August ___, 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. Bethel-Ash and Staff are the only parties to this proceeding.
3. No requests for a hearing have been filed and no issues of fact or law are disputed by the parties.

II. CONCLUSIONS OF LAW

1. Bethel-Ash is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 Administrative Code (TAC) § 24.3(59).

2. The Commission has jurisdiction over Bethel-Ash'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), Bethel-Ash 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. Bethel-Ash has demonstrated that amendment to its water CCN No. 10821 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. Bethel-Ash's application is approved.
2. Bethel-Ash's water CCN No. 10821 is hereby amended consistent with this Notice.
3. Bethel-Ash shall serve every customer and application for service within the approved area under water CCN No. 10821 that requests water service and meets the terms

of Bethel-Ash's tariff to receive water service, and such service shall be continuous and adequate.

4. Bethel-Ash shall comply with the recording requirements in TWC § 13.257 (r)-(s) for the area in Henderson 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 August, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE