



Control Number: 47807



Item Number: 16

Addendum StartPage: 0

RECEIVED

DOCKET NO. 47807

2018 MAY 30 AM 10:13

APPLICATION OF GOLDENROD	§	PUBLIC UTILITY COMMISSION
ESTATE HOMEOWNERS	§	FILING CLERK
ASSOCIATION INC. AND	§	OF TEXAS
GOLDENROD WATER SUPPLY	§	
CORPORATION FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN FORT BEND COUNTY	§	

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff) representing the public interest, together with Goldenrod Estate Homeowners Association Inc. (Goldenrod Estate HOA) and Goldenrod Water Supply Corporation (Goldenrod WSC) (collectively, Parties), and files this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

**I. BACKGROUND**

On November 28, 2017, Goldenrod Estate HOA and Goldenrod WSC (collectively, Applicants) filed with the Commission an application for the sale, transfer, or merger of facilities and certificate rights in Fort Bend County. Specifically, Goldenrod Estate HOA seeks approval to transfer all of its water well assets and service area under certificate of convenience and necessity (CCN) No. 12933 to Goldenrod WSC. The requested area includes approximately 74 acres and 22 current customers.

On March 12, 2018, Order No. 4 was issued, permitting the transaction to proceed and requiring the filing of documents demonstrating the close of the transaction. On April 9, 2018, Applicants filed the required closing documents.

On April 24, 2018, Staff filed a recommendation that the Applicants' closing documents were consistent with the applicable statutes and rules.

On April 25, 2018, Order No. 5 was issued, requiring parties to file joint proposed findings of fact and conclusions of law by May 31, 2018. Therefore, this pleading is timely filed.

## **II. JOINT MOTION TO ADMIT EVIDENCE**

Staff respectfully requests that the following documents be admitted into evidence in this proceeding for the purpose of supporting a Commission notice of approval or final order consistent with Staff's recommendation:

1. Applicants' application, and all attachments thereto, filed on November 28, 2017;
2. Applicants' affidavit and proof of notice, filed on January 8, 2018;
3. Commission Staff's Recommendation on the Transaction, and all attachments thereto, filed on March 7, 2018;
4. Applicants' information regarding the closing of the proposed transaction, filed on April 9, 2018;
5. Commission Staff's Closing Documents Sufficiency Recommendation, filed on April 24, 2018;
6. Applicants' consent forms to the final map and certificate, filed on May 14, 2018; and
7. The attached final map and certificate.

## **III. JOINT PROPOSED NOTICE OF APPROVAL**

Commission Staff, Goldenrod Estate HOA, and Goldenrod WSC have agreed to the attached Joint Proposed Notice of Approval, which would grant Applicants' application for approval of the transfer of all facilities and certificated water service area under water CCN No. 12933 to Goldenrod WSC. Also attached are the final map and certificate that were included in Staff's final recommendation.

## **IV. CONCLUSION**

Applicants have agreed that Staff is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

Dated: May 30, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



---

Richard Nemer  
State Bar No. 24042829  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7348  
(512) 936-7268 (facsimile)  
richard.nemer@puc.texas.gov

**DOCKET NO. 47807**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2018, true and correct copy of the foregoing document has been served on all parties of record in accordance with 16 Tex. Admin. Code § 22.74.



---

Richard Nemer

**DOCKET NO. 47807**

<b>APPLICATION OF GOLDENROD</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ESTATE HOMEOWNERS</b>	<b>§</b>	
<b>ASSOCIATION INC. AND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>GOLDENROD WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN FORT BEND COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Goldenrod Estate Homeowners Association Inc. (Goldenrod Estate HOA) and Goldenrod Water Supply Corporation (Goldenrod WSC) (collectively, Applicants) for the sale, transfer, or merger of facilities and certificate rights in Fort Bend County, Texas (Application). On March 12, 2018, the Public Utility Commission (Commission) staff (Staff) recommended approval of the Application. 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. On November 28, 2017, Applicants filed the Application for sale, transfer, or merger of facilities and transfer all of its water well assets and service area under certificate of convenience and necessity (CCN) No. 12933 to Goldenrod WSC in Fort Bend County, Texas. The service area and facilities being sold includes approximately 74 acres and 22 current customers.
2. On December 1, 2017, Order No. 1 was issued, requiring a recommendation on administrative completeness and notice, requesting procedural schedule, and addressing other procedural matters.
3. On December 21, 2017 Commission Staff filed a recommendation that the Application be found administratively complete.
4. On December 22, 2017, Order No. 2 was issued, finding that the Application was administratively complete and requiring Applicants to provide notice.

5. On January 8, 2018, Applicants filed an affidavit indicating the provision of notice of the Application to current customers, neighboring utilities and affected parties, including a list of recipients receiving notice and its publication in a newspaper of general circulation.
6. On January 12, 2018, Commission Staff recommended Applicants' notice be found sufficient.
7. On January 18, 2018, Order No. 3 was issued, deeming the notice sufficient and establishing deadlines for the remainder of the proceeding.
8. On March 7, 2018, Commission Staff filed a Recommendation on the Transaction recommending the transaction be permitted to proceed.
9. On March 12, 2018, Order No. 4 was issued, authorizing Applicants to proceed with the transaction and to provide proof that the transaction had been consummated and customer deposits had been properly addressed.
10. On April 9, 2018, Applicants filed an Asset Transfer Agreement.
11. On April 24, 2018, Commission Staff filed its Closing Documents Sufficiency Recommendation recommending that the transaction's closing documents be found sufficient.
12. On April 25, 2018, Order No. 5 was issued, finding closing documents sufficient and establishing procedural schedule.
13. On May 14, 2018, Applicants filed signed documents consenting to the final map and revised certificate, as prepared by Commission Staff.
14. The final map and revised certificate described in Finding of Fact No. 13 are attached to this Notice.
15. On May 30, 2018, the parties filed a Joint Motion to Admit Evidence and Proposed Notice of Approval.
16. On \_\_\_\_\_, 2018, Order No. 6 was issued, admitting evidence into the record of this proceeding.

**Notice**

17. On December 15, 2017, notice of the Application was published in the *Texas Register*.
18. On January 4, 2018, notice was mailed to current customers, neighboring utilities, and affected parties.

### **Informal Disposition**

19. More than fifteen (15) days have passed since completion of the notice provided in this docket.
20. Goldenrod Estate HOA, Goldenrod WSC, and Commission Staff are the only parties to this proceeding.
21. No protests, motions to intervene or requests for hearing were filed; therefore, no hearing is necessary.
22. No issues of fact or law remain disputed by any party.

### **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code (TWC) §§ 13.041, 13.241, 13.246, 13.251, and 13.301.<sup>1</sup>
2. Goldenrod Estate HOA and Goldenrod WSC are retail public utilities as defined by TWC § 13.002(19) and 16 Tex. Admin. Code (TAC) § 24.3(59).
3. Goldenrod Estate HOA and Goldenrod WSC provided notice of the Application in compliance with TWC § 13.301(a)(2).
4. The Application was processed in accordance with the TWC, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
5. Goldenrod Estate HOA and Goldenrod WSC completed the sale within 180 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.109(o).
6. After consideration of the factors in TWC § 13.246(c), Goldenrod WSC is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to every customer in the service area as required by TWC § 13.241 and 13.301(b).
7. Goldenrod Estate HOA and Goldenrod WSC have demonstrated that the transfer of facilities and certificate rights requested in this application are in the public interest, as required by 16 TAC § 13.301(d).

---

<sup>1</sup> Tex. Water Code Ann. §§ 13.041, 13.241, 13.246, 13.251, and 13.301 (West 2008 & Supp. 2017).

<sup>2</sup> Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

8. Goldenrod Estate HOA and Goldenrod WSC have demonstrated that the transfer of facilities and certificate rights requested in this Application are necessary for the service, accommodation, convenience, and safety of the public, as required by 16 TAC § 13.246(b).
9. As required by TWC § 13.257(r) and (s), Goldenrod WSC is required to record a certified copy of the approved certificate 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.
10. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### **III. ORDERING PARAGRAPHS**

1. The Application is approved.
2. The certificate and map attached to this Notice are approved.
3. All of the water service area and water well assets owned by Goldenrod Estate HOA in Fort Bend County under CCN No. 12933 are transferred to Goldenrod WSC. CCN No. 12933 is transferred to Goldenrod WSC.
4. Goldenrod WSC shall serve every customer and applicant for service within the areas certified under CCN No. 12933, and such service shall be continuous and adequate.
5. Goldenrod WSC shall comply with the recording requirements in TWC § 13.257(r) for the area in Fort Bend County affected by the Application and submit to the Commission evidence of the recording no later than thirty-one (31) days after receipt of this Notice.
6. 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.

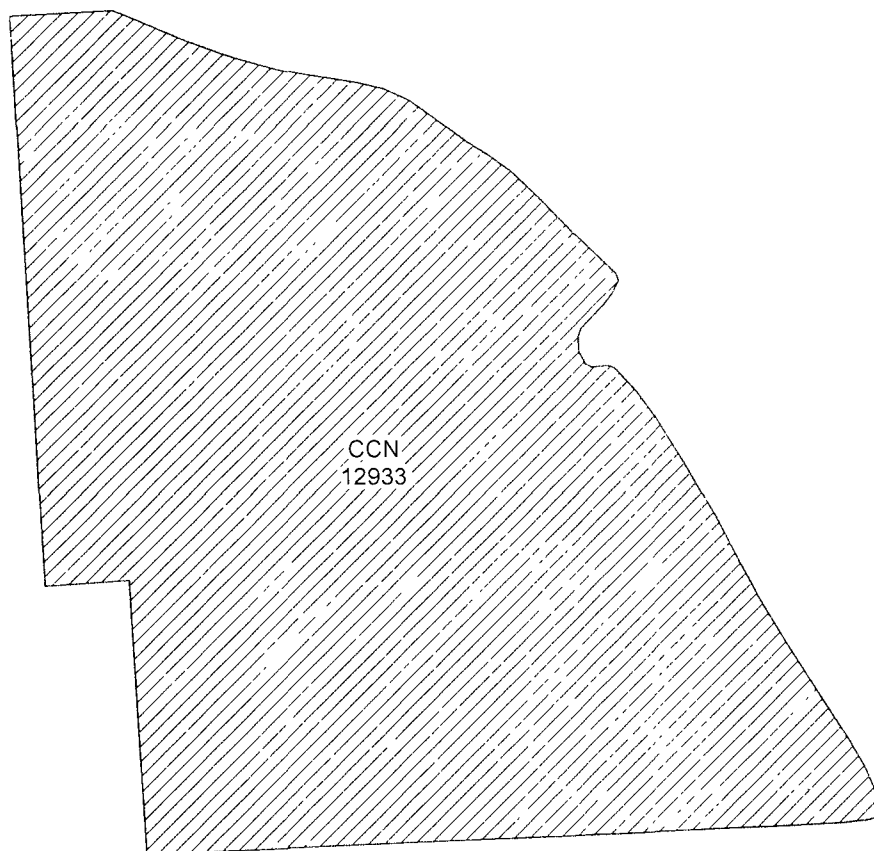
**Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

\_\_\_\_\_  
**ADMINISTRATIVE LAW JUDGE**




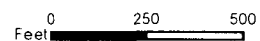
Goldenrod Water Supply Corporation  
Water CCN No. 12933  
PUC Docket No. 47807  
Transferred all of Goldenrod Estates HOA, CCN No. 12933 in Fort Bend County



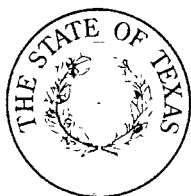
Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

 12933 - Goldenrod WSC



Map by Komal Patel  
Date created April 27, 2018  
Project Path n:\finalmapping\47807GoldenrodWSC.mxd



# **Public Utility Commission Of Texas**

**By These Presents Be It Known To All That**

## **Goldenrod 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, Goldenrod Water Supply Corporation, is entitled to this

### **Certificate of Convenience and Necessity No. 12933**

to provide continuous and adequate water utility service to that service area or those service areas in Fort Bend County(ies) as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47807 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 Goldenrod 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 \_\_\_\_\_ 2018.