



Control Number: 47979



Item Number: 18

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RECEIVED

APPLICATION OF THE CITY OF HEATH TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER WATER CODE SECTION 13.255 AND DECERTIFY A PORTION OF FORNEY LAKE WATER SUPPLY CORPORATION'S SERVICE AREA IN ROCKWALL AND KAUFMAN COUNTIES

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PUBLIC UTILITY COMMISSION OF TEXAS  
2018 JUL 2 PM 2:49  
PUBLIC UTILITY COMMISSION  
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the City of Heath (Heath) to amend certificate of convenience and necessity (CCN) No. 12060 and for decertification of an area in Rockwall and Kaufman counties served by Forney Lake Water Supply Corporation (Forney Lake WSC) (collectively, applicants) under CCN No. 10086. Commission Staff recommends approval of the application, as supplemented. The Commission approves the application, as supplemented.

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

I. Findings of Fact

Procedural History

- 1. On January 23, 2018, Heath filed an application for single certification to an area in its corporate limits within Forney Lake WSC's service area.
- 2. Heath and Forney Lake WSC have agreed to transfer certain service area as well as existing lines and easements from Forney Lake WSC to Heath. The applicants filed a written agreement with the application.
- 3. The total proposed service area requested in this application consists of approximately 2,601 acres and 839 current customers.
- 4. In Order No. 1 issued on January 25, 2018, the administrative law judge (ALJ) required Commission Staff to comment on the administrative completeness of the application and the proposed notice.

5. On February 5, 2018, Heath supplemented the application with a transmittal letter describing the monetary compensation agreed to by applicants and the conveyance of Forney Lake WSC's real and personal property along with lines, appurtenances, and easements.
6. On February 16, 2018, Heath supplemented the application with corrections to the maps submitted with the application.
7. On February 23, 2018, Commission Staff recommended that the ALJ deem the application administratively complete.
8. In Order No. 2 issued on February 26, 2018, the ALJ found the application administratively complete and required Heath to provide notice consistent with Commission Staff's recommendation.
9. On February 26, 2018, Commission Staff recommended that the ALJ deem notice sufficient.
10. In Order No. 3 issued on February 28, 2018, the ALJ found the notice sufficient.
11. On April 16, 2018, Heath filed a signed consent form concurring with the proposed map and certificate prepared by Commission Staff.
12. On April 30, 2018, Commission Staff recommended approval of the application.
13. On May 9, 2018, Commission Staff and the applicants filed a joint proposed notice of approval and motion to admit evidence.
14. On May 14, 2018, Commission Staff filed a supplement to the final recommendation attaching the certificates and map inadvertently omitted from the May 9 filing.
15. In Order No. 4 issued on May 9, 2018, the ALJ admitted evidence into the record.
16. On June 26, 2018, Commission Staff filed a supplement to the final recommendation correcting the certificate submitted with the May 14, 2018 filing.

**Notice**

17. Notice of the application appeared in the February 9, 2018, issue of the *Texas Register*.

18. Prior to filing the application, Heath and Forney Lake WSC held public meetings at which their respective governing bodies discussed and approved the agreement.

**Informal Disposition**

19. More than 15 days have passed since the completion of the notice provided in this docket.
20. Commission Staff and the applicants are the only parties to this proceeding.
21. No persons filed protests or requests for hearing.

**II. Conclusions of Law**

1. The Commission has jurisdiction over this matter under § 13.255 of the Texas Water Code (TWC).<sup>1</sup>
2. Heath owns and operates a municipally-owned utility as defined in TWC § 13.002(13).
3. Heath is entitled to approval of the application having demonstrated that the service area requested in this application is within Heath's corporate limits and having provided a copy of the agreement with Forney Lake WSC, which states that Heath may serve all of the requested area, consistent with TWC § 13.255(a).
4. The application was processed in accordance with TWC § 13.255 and Commission rules.
5. Under TWC § 13.257(r) and (s), the applicants are 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 Rockwall and Kaufmann counties, in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
6. 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 order:

1. The Commission approves the application, as supplemented.

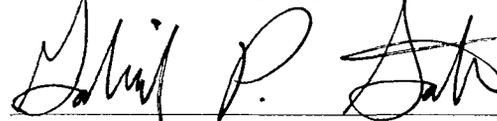
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<sup>1</sup> Tex. Water Code Ann. (West 2008 and Supp. 2017).

2. The Commission admits into the record and approves the certificates and map attached to this Notice.
3. The Commission amends CCN Nos. 12060 and 10086 to reflect the agreement between Heath and Forney Lake WSC.
4. Heath shall serve every customer and applicant for service within the areas under its CCN, and such service shall be continuous and adequate.
5. Heath shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Rockwall and Kaufman counties affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
6. Forney Lake WSC shall continue to serve every customer and applicant for service within the areas still under its CCN, and such service shall be continuous and adequate.
7. Forney Lake WSC shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Rockwall and Kaufman counties affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
8. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 2nd day of July 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**GABRIEL P. SOTO**  
**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission Of Texas

By These Presents Be It Known To All That

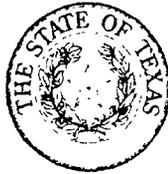
## City of Heath

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, City of Heath, is entitled to this

### **Certificate of Convenience and Necessity No. 12060**

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47979 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 City of Heath, 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 2nd day of July 2018.



# Public Utility Commission Of Texas

By These Presents Be It Known To All That

## Forney Lake WSC

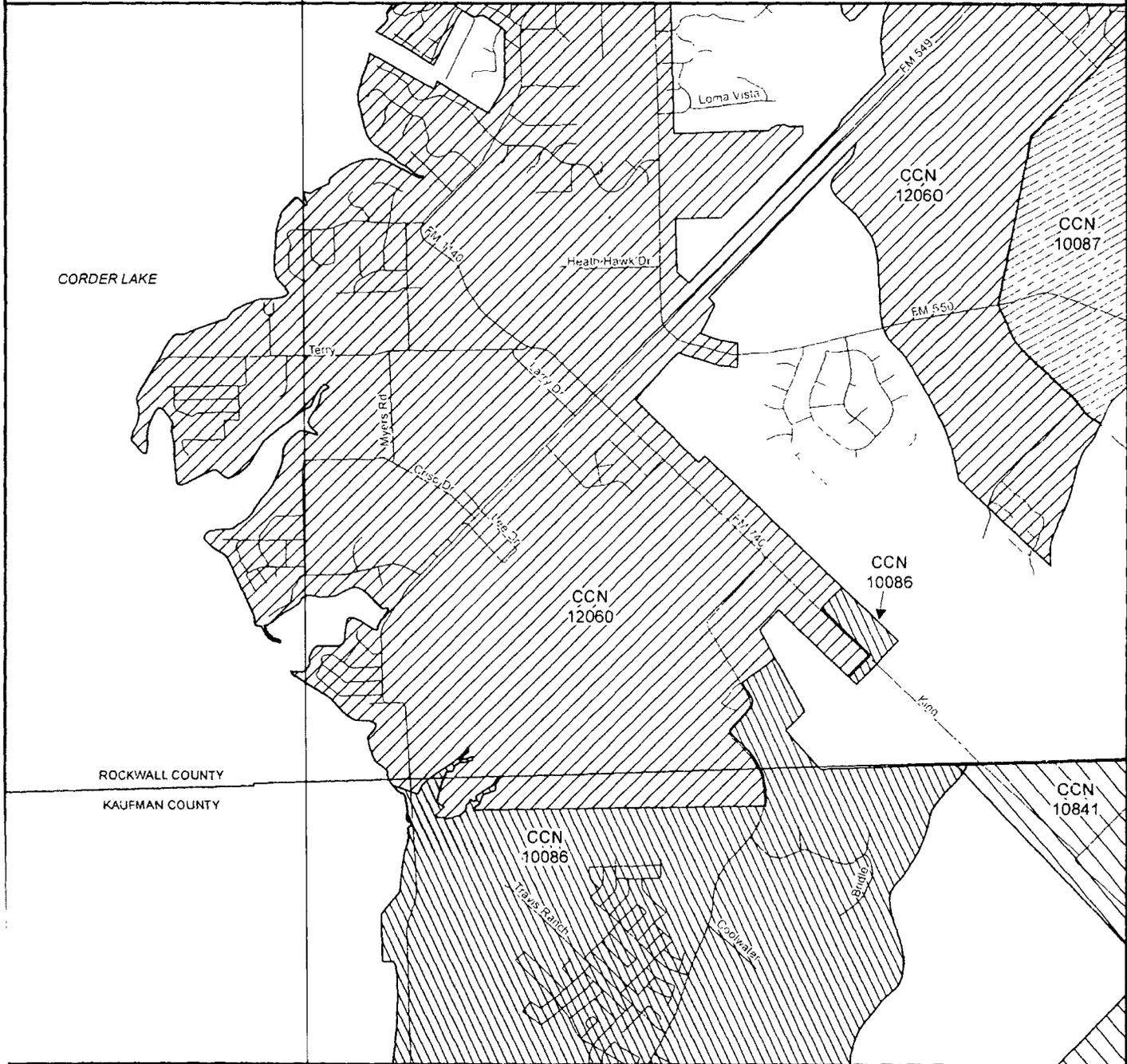
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Forney Lake WSC, is entitled to this

### Certificate of Convenience and Necessity No. 10086

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47979 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 Forney Lake WSC, 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 2nd day of July 2018.

**City of Heath**  
**Portion of Water CCN No.12060**  
**PUC Docket No. 47979**  
**13.255 Agreement to Decertify a Portion of Forney Lake WSC, CCN 10086 and**  
**Amend CCN No. 12060 in Rockwall and Kaufman Counties**



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

- Water CCN**
- 12060 - City of Heath
  - 10086 - Forney Lake WSC
  - 10087 - R C H WSC
  - 10841 - High Point WSC



Map by Komal Patel  
 Date created April 9, 2018  
 Project Path n finalmapping\47979CityofHeath.mxd