



Control Number: 48020



Item Number: 15

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DOCKET NO. 48020

APPLICATION OF CITY OF FORT WORTH AND AQUA TEXAS INC. §  
FOR APPROVAL OF SERVICE AREA §  
CONTRACT UNDER TEXAS WATER §  
CODE § 13.248 AND TO AMEND §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY IN DENTON AND §  
WISE COUNTIES §

PUBLIC UTILITY COMMISSION  
OF TEXAS

2018 SEP 20 AM 10:44  
FILING CLERK

### COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Final Recommendation. Staff recommends that the application be approved. In support thereof, Staff shows the following:

#### I. BACKGROUND

On February 5, 2018, the City of Fort Worth (Fort Worth) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants), filed an application for approval of a service area contract under Tex. Water Code (TWC) § 13.248 amending water Certificates of Convenience and Necessity (CCNs) No. 12311 and No. 13201 in Denton and Wise Counties. The Applicants entered into a contractual agreement permitting Fort Worth, under CCN No. 12311, to provide water services to the subject area. The area being transferred from Aqua Texas, under CCN No. 13201, is in Fort Worth's extraterritorial jurisdiction and has no current customers or facilities that will be transferred to Fort Worth.

On April 30, 2018, Fort Worth filed supplemental information regarding the application.

On June 11, 2018, Order No. 4 was issued establishing a deadline of September 21, 2018, for Staff to file a final recommendation on the application. Therefore, this pleading is timely filed.

#### II. RECOMMENDATION TO APPROVE THE APPLICATION

As detailed in the attached memorandum of Andrew Novak of the Commission's Water Utility Regulation Division (Attachment A), Staff has reviewed the application and recommends that it be approved. Staff's review indicates that Applicants' application meets the applicable requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas

Administrative Code. Approval of the application would allow Fort Worth to be certified to provide retail water service to Aqua Texas' decertified area. Aqua Texas does not have any existing customers in the service area to be transferred to Fort Worth, so there would be no impact to current customers.

The final map (Attachment B) and revised certificates (Attachment C) were consented via consent forms filed with the Commission by Fort Worth on August 20, 2018, and by Aqua Texas on September 13, 2018.

Staff further recommends that the Applicants file a certified copy of the CCN map, along with a written description of the CCN service area in the county clerk's office of Denton County and Wise County, pursuant to TWC § 13.257(r)-(s).

### **III. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that the application be approved.

**Dated:** September 20, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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Richard A. 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](mailto:richard.nemer@puc.texas.gov)

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 20, 2018, in accordance with 16 TAC § 22.74.



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Richard A. Nemer

## ATTACHMENT A

## **Public Utility Commission of Texas**

**TO:** Richard Nemer, Attorney  
Legal Division

**THRU:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**FROM:** Andrew Novak, Financial Analyst  
Water Utility Regulation Division

**DATE:** September 20, 2018

**SUBJECT:** **Docket No. 48020**, *Application of the City of Fort Worth and Aqua Texas, Inc. for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Denton and Wise Counties*

On February 5, 2018, the City of Fort Worth (City) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants), filed an application with the Public Utility Commission of Texas (Commission) for approval of a service area contract under Tex. Water Code (TWC) § 13.248. The application proposes to amend City's Certificate of Convenience and Necessity (CCN) No. 12311 and Aqua Texas' CCN No. 13201 in Denton and Wise Counties.

The Applicants have agreed to transfer approximately 1827 total acres of Aqua Texas' water certificated service area to the City.

Notice was not required for this application because there are no affected customers in the area subject to the transfer.

The application meets all of the statutory requirements of TWC Chapter 13 and 16 Tex. Admin. Code Chapter 24 rules and regulations. Staff recommends approval of the application.

The City consented to the attached map and certificates on August 20, 2018. Aqua Texas consented to the attached map and certificates on September 13, 2018.

Based on the above information, Staff recommends that:

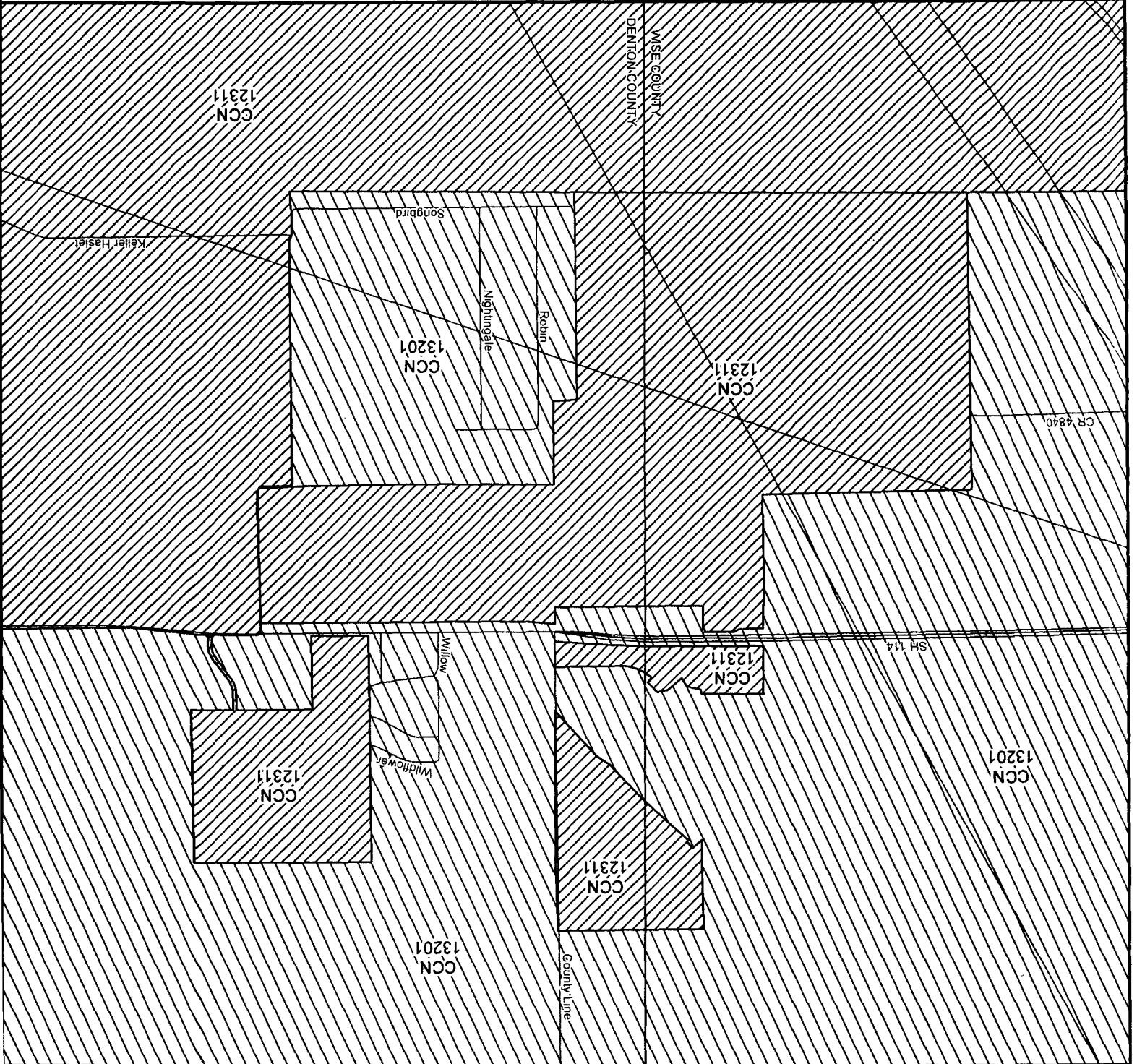
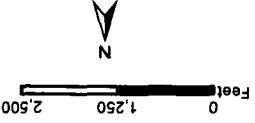
- the application be approved; and
- the attached map and certificates be provided to the Applicants.

Staff further recommends that the Applicants file certified copies of the CCN map along with a written description of the CCN service areas in the Denton county clerk's office and Wise county clerk's office, pursuant to TWC § 13.257(r)-(s).

## ATTACHMENT B



**Water CCN**  
 12311 - City of Fort Worth  
 13201 - Aqua Texas Inc



City of Fort Worth  
 Portion of Water CCN No. 12311  
 PUC Docket No. 48020  
 13,248 Agreement Amended CCN No. 12311 and  
 Decertified a Portion of Aqua Texas, Inc., CCN No. 13201 in Denton and Wise Counties



## ATTACHMENT C



# **Public Utility Commission of Texas**

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

**City of Fort Worth**

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, the City of Fort Worth is entitled to this

## **Certificate of Convenience and Necessity No. 12311**

to provide continuous and adequate water utility service to that service area or those service areas in Denton, Parker, Tarrant, and Wise Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48020 are on file at the Commission offices in Austin, Texas; and are a matter 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 Fort Worth 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, the \_\_\_\_\_ day of \_\_\_\_\_ 2018.



# **Public Utility Commission of Texas**

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

**Aqua Texas, Inc.**

having duly 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, Aqua Texas, Inc., is entitled to this

## **Certificate of Convenience and Necessity No. 13201**

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Taylor, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48020 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc., 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, the \_\_\_\_\_ day of \_\_\_\_\_ 2018.