

Control Number: 48020



Item Number: 18

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2019 JAN -3 PM 3: 27

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  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK  
 OF TEXAS

### NOTICE OF APPROVAL

This Notice of Approval addresses the application of Aqua Texas, Inc. and the City of Fort Worth for approval of a service area contract to amend their certificates of convenience and necessity (CCNs) in Denton and Wise Counties. The Commission approves the application.

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

#### I. Findings of Fact

##### Applicants

1. Aqua Texas, Inc. is retail public utility that provides water service under certificate of convenience and necessity (CCN) No. 13201 in Denton and Wise Counties.
2. Aqua Texas is a domestic for-profit corporation registered with the Texas secretary of state under filing number 800304878.
3. Fort Worth is a home rule municipal corporation that provides water service under CCN No. 12311.

##### Application

4. On March 1, 2017, Fort Worth and Aqua Texas entered into a water utility services transfer agreement (the Service Area Contract) permitting Fort Worth to provide water services, under CCN No. 12311, to the area being transferred from Aqua Texas, under CCN No. 13201.

5. On February 5, 2018, Aqua Texas and Fort Worth filed an application for approval of the Service Area Contract that would amend their water CCNs to transfer portions of certificated areas from Aqua Texas to Fort Worth.
6. The area being transferred from Aqua Texas' CCN to Fort Worth's CCN is in Fort Worth's extraterritorial jurisdiction and has no current customers or facilities that will be transferred to Fort Worth.
7. On March 28, 2018, the Service Area Contract was amended to correctly identify Aqua Texas' water CCN number.
8. In Order No. 4, issued on June 11, 2018, the administrative law judge (ALJ) deemed the application administratively complete.
9. On August 20, 2018, Fort Worth filed a signed consent form concurring with the map and CCN prepared by Commission Staff.
10. On September 13, 2018, Aqua Texas filed a signed consent form concurring with the map and CCN prepared by Commission Staff.

#### **Notice**

11. Notice of the application appeared in the March 2, 2018 issue of the *Texas Register*.
12. No additional notice was required because there are no customers currently located in the area proposed for transfer.
13. In Order No. 4, issued on June 11, 2018, the ALJ found the notice sufficient.

#### **Evidentiary Record**

14. On September 27, 2018, the parties filed a joint motion to admit evidence.
15. On January 3, 2019, the ALJ issued Order No. 5, admitting the following evidence into the record of this proceeding: (1) the application and all attachments, filed on February 5, 2018; (2) Fort Worth's response to Order No. 3 to cure the application, filed on April 30, 2018; (3) Fort Worth's consent form, filed on August 20, 2018; (4) Aqua Texas' consent form, filed on September 13, 2018; (5) Commission Staff's final recommendation and supporting documentation, filed on September 20, 2018; (6) Fort Worth's certificate and final map, filed on September 27, 2018; and (7) Aqua Texas'

certificate, filed on September 27, 2018.

**Informal Disposition**

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. There were no protests, motions to intervene, or requests for hearing filed.
18. Commission Staff, Aqua Texas, and Fort Worth are the only parties to this proceeding.
19. The approval of the contract is not adverse to any party.
20. No issues of fact or law remain disputed by any party; therefore no hearing is necessary.
21. On September 20, 2018, Commission Staff recommended approval of the application.

**II. Conclusions of Law**

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) §§ 13.041 and 13.248.
2. Fort Worth is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Aqua Texas is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
4. Public notice of the application was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
5. The Commission processed the application in accordance with the Administrative Procedure Act,<sup>1</sup> TWC, and Commission rules.
6. The application meets the requirements set forth in TWC § 13.248 and 16 TAC § 24.253.
7. Under TWC § 13.257(r) and (s), Aqua Texas and Fort Worth are each required to record a certified copy of their approved CCN and a 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 to submit to the Commission evidence of the recording.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001 through 2001.902.

8. The requirements for informal disposition in 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 orders:

1. The Commission approves the application and amends Aqua Texas' water CCN No. 13201 and Fort Worth's water CCN No. 12311 in accordance with this Notice of Approval.
2. The Commission's official service area boundary maps for Aqua Texas and Fort Worth will reflect the changes as shown on the attached map.
3. Fort Worth must serve every customer and applicant for service within the approved area under water CCN No. 12311 and such service must be continuous and adequate.
4. Aqua Texas must serve every customer and applicant for service within the approved area under water CCN No. 13201 and such service must be continuous and adequate.
5. Aqua Texas and Fort Worth must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Denton and Wise 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. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 3<sup>rd</sup> day of January 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission of Texas

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

**Aqua Texas, Inc.**

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, 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 3<sup>rd</sup> day of January 2019.



# **Public Utility Commission of Texas**

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

## **City of Fort Worth**

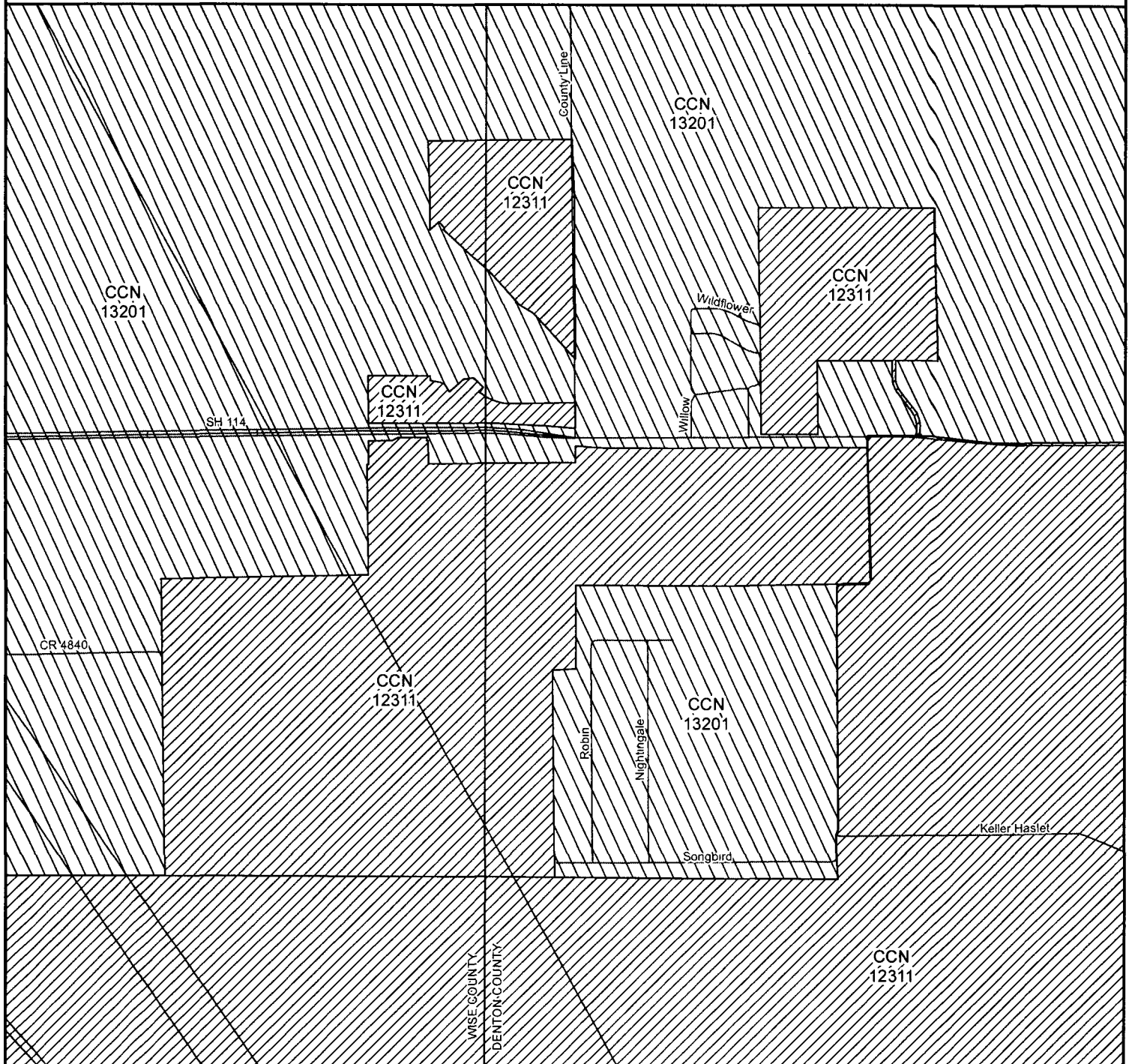
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Fort Worth is entitled to this

### **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 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 3<sup>rd</sup> day of January 2019.

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



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

**Water CCN**

-  12311 - City of Fort Worth
-  13201 - Aqua Texas Inc

0 1,250 2,500  
Feet



Map by: Komal Patel  
Date created: July 16, 2018  
Project Path: n:\finalmapping\  
48020CityofFortWorth.mxd