

Control Number: 48020



Item Number: 21

Addendum StartPage: 0

RECEIVED

PUC DOCKET NO. 48020

2019 FEB -7 AM 9:07

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

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§

PUBLIC UTILITY COMMISSION

OF TEXAS

APPROVED BY COMMISSION
FILING CLERK

**APPLICANT CITY OF FORT WORTH'S SUBMISSION OF COUNTY FILING
PURSUANT TO TEXAS WATER CODE SECTION 13.257(r) and (s)**

Comes now the City of Fort Worth ("Applicant") and submits to the Commission evidence of the filings in Denton and Wise Counties as required by Texas Water Code 13.257(r) and (s).

Therefore, the Applicant's submission should be considered timely and complete.

Respectfully submitted,

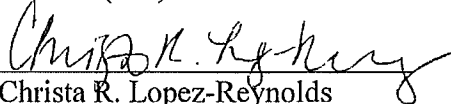
City of Fort Worth

200 Texas Street

Fort Worth, Texas 76102

Telephone: (817) 392-8984

Facsimile: (817) 392-8359

By: 

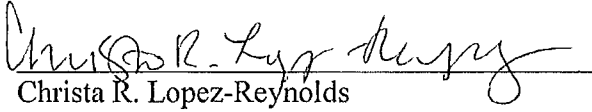
Christa R. Lopez-Reynolds

Sr. Assistant City Attorney

State Bar No. 24013057

CERTIFICATE OF SERVICE
PUC DOCKET NO. 48020

I hereby certify that a true and correct copy of the foregoing document has been served on all Parties of record on this 1st day of February, 2019 in accordance with PUC Rule 22.74.


Christa R. Lopez-Reynolds

201900947

NOT

01/31/2019 09:44:23 AM Total Pages: 8 Fee: 50.00

Sherry Lemon, County Clerk - Wise County, Texas



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

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PUBLIC UTILITY COMMISSION
OF TEXAS

2019 JAN -3 PM 3:2
PUBLIC UTILITY COMMISSION
FILING CLERK

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.

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY:

DATE:

Kelly Horn
1/26/19



Docket No. 48020

Notice of Approval

Page 2 of 4
BY: Kelly Hord
DATE: 11/29/19



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.

BY: DATE: 1/28/19 **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,¹ 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.

¹ 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.

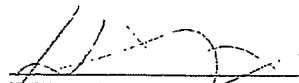
III. Ordering Paragraphs

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.

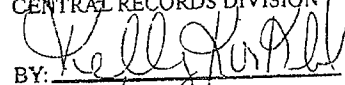
Signed at Austin, Texas the 3rd day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

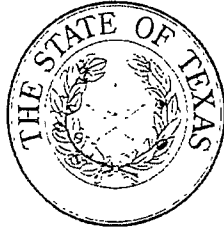

HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

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CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: 
DATE: 1/28/19





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 3rd day of January 2019.

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY:

Kelly Pickel

DATE:

1/28/19





CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: Kelly Horrell
DATE: 1/28/19



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.

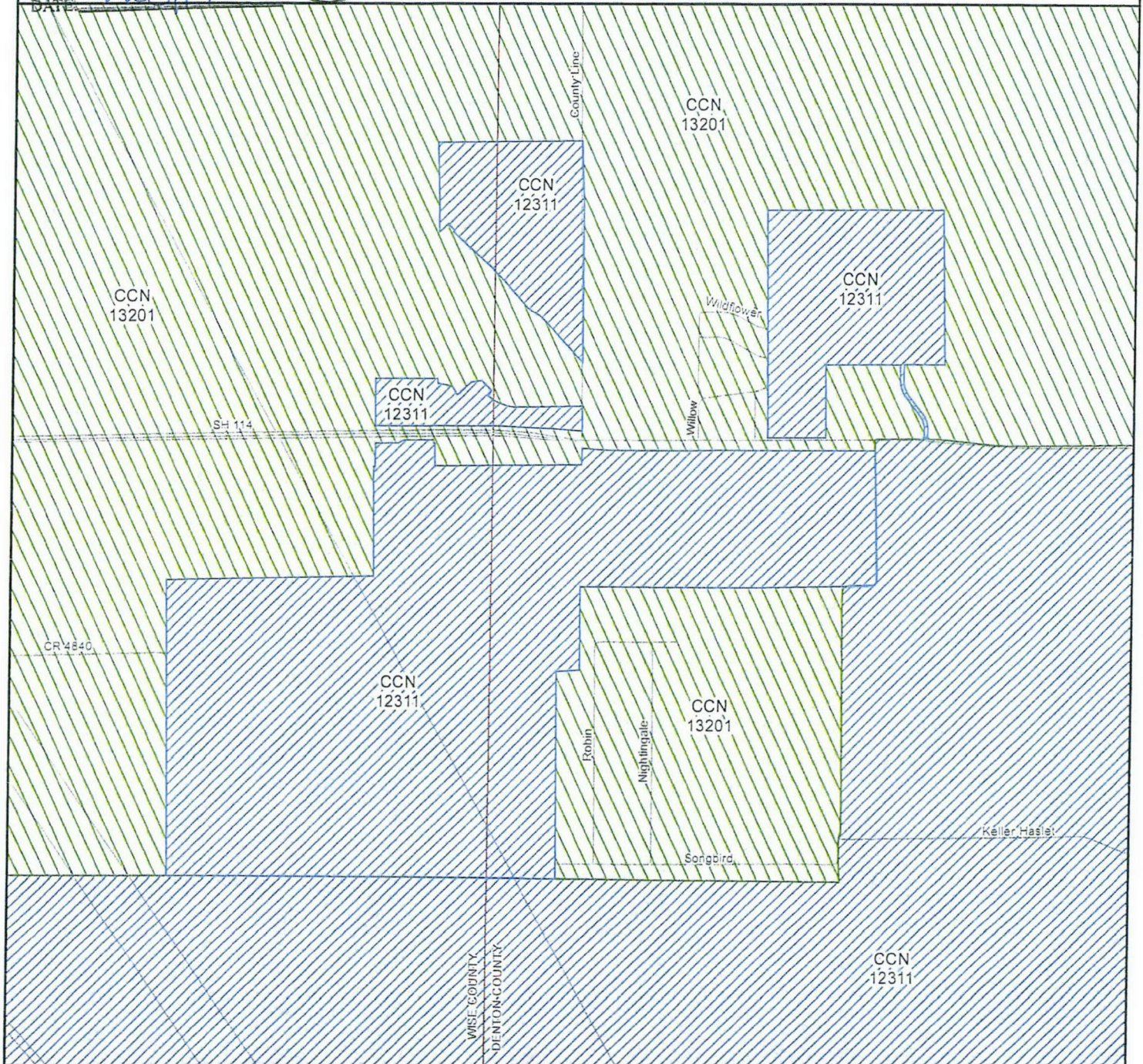
Issued at Austin, Texas, the 3rd day of January 2019.

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

City of Fort Worth
Portion of Water CCN No. 12311
PUC Docket No. 48020



BY: Komal Patel 248 Agreement Amended CCN No. 12311 and
Decertified a Portion of Aqua Texas, Inc., CCN No. 13201 in Denton and Wise Counties

DATE: 7/16/2018



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

FILED AND RECORDED

Instrument Number: 201900947

Filing and Recording Date: 01/31/2019 09:44:23 AM Pages: 8 Recording Fee: \$50.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the RECORDS of Wise County, Texas.



A handwritten signature in cursive script that reads "Sherry Lemon".

Sherry Lemon, County Clerk
Wise County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE DO NOT DESTROY - This document is part of the Official Record.

Deputy: Sarah Enochs

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103	1030303	103.03
104	1040404	104.04
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111	1111111	111.11
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198	1989898	198.98
199	1999999	199.99

1/31/19 9:44 AM sarahc

Denton County
Juli Luke
County Clerk

Instrument Number: 9322

ERecordings-RP

NOTICE

Recorded On: January 30, 2019 08:11 AM

Number of Pages: 8

" Examined and Charged as Follows: "

Total Recording: \$54.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

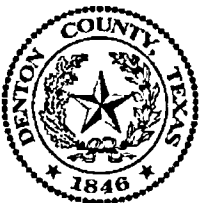
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 9322
Receipt Number: 20190130000020
Recorded Date/Time: January 30, 2019 08:11 AM
User: Joy R
Station: Station 19

Record and Return To:

eRx



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

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

2019 JAN -3 PM 3:2
PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

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

I. Findings of Fact

Applicants

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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.

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: 
DATE: 1/28/19 

BY: 
11/28/17



Docket No. 48020

Notice of Approval

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.
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9. On August 20, 2018, Fort Worth filed a signed consent form concurring with the map and CCN prepared by Commission Staff.
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Evidentiary Record

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certificate, filed on September 27, 2018.

BY: Polly K. Hall
DATE: 1/28/19



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).
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5. The Commission processed the application in accordance with the Administrative Procedure Act,¹ 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.

¹ 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.

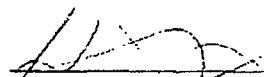
III. Ordering Paragraphs

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.
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6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

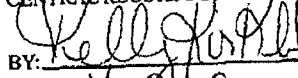
Signed at Austin, Texas the 3rd day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

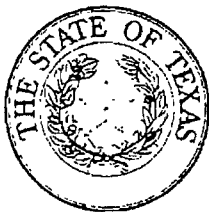

HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

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CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: 
DATE: 1/20/19





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 3rd day of January 2019.

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY:

DATE:





CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: Kelly Korb
DATE: 1/28/19



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 3rd day of January 2019.

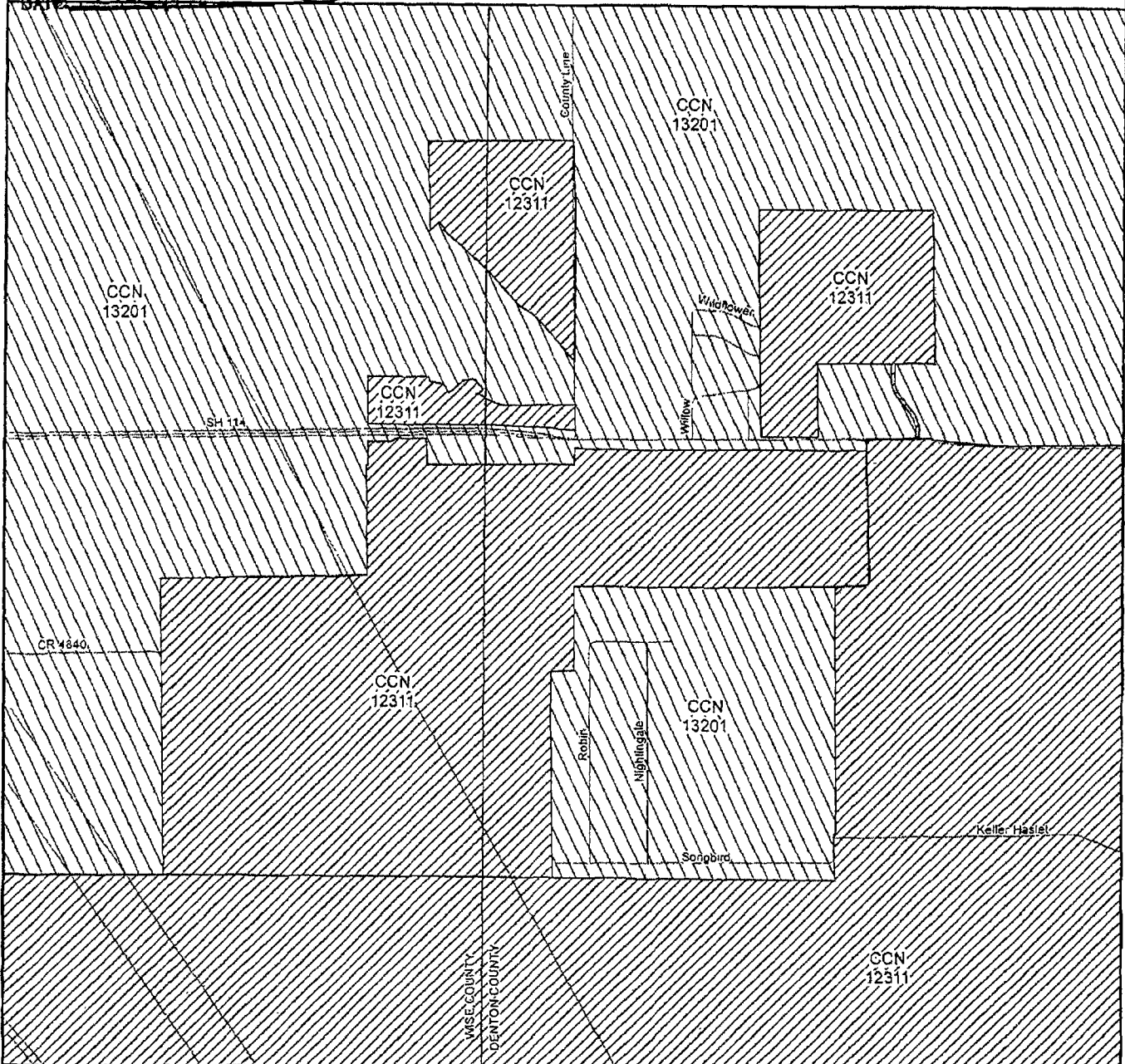
CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

BY: *[Signature]*
DATE: *7/16/2018*



City of Fort Worth
Portion of Water CCN No. 12311
PUC Docket No. 48020

248 Agreement Amended CCN No. 12311 and
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