

Control Number: 48054



Item Number: 23

Addendum StartPage: 0

**DOCKET NO. 48054**

**APPLICATION OF CANYON FALLS  
MUNICIPAL UTILITY DISTRICT NO.  
1 OF DENTON COUNTY FOR A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
DENTON COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2018 AUG 31 AM 11:08  
FILED  
CLERK

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

**COME NOW** Canyon Falls Municipal Utility District No. 1 of Denton County (Canyon Falls) and the Staff of the Public Utility Commission of Texas (Staff) and file this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 5 and would show the following:

**I. BACKGROUND**

On February 12, 2018, Canyon Falls filed an application for a water Certificate of Convenience and Necessity (CCN) in Denton County. The service area requested totals approximately 161 acres, all located within the district boundaries of Canyon Falls.

On February 21, 2018, Canyon Falls filed supplemental information in support of its CCN application. On August 21, 2018, Canyon Falls filed additional supplemental information in support of its CCN application.

Order No. 5, issued by the Commission Administrative Law Judge (ALJ) on May 9, 2018, established a deadline of August 31, 2018, for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

**II. MOTION TO ADMIT EVIDENCE**

The parties request the entry of the following into the record of this proceeding:

1. Application of Canyon Falls Municipal Utility District No. 1 of Denton County for a water Certificate of Convenience and Necessity in Denton County, filed on February 12, 2018 (AIS Item No. 1);
2. Canyon Falls' supplement to its application, filed on February 21, 2018 (AIS Item No. 5);
3. Canyon Falls' Proof of Notice, filed on April 5, 2018 (AIS Item No. 12);

4. Canyon Falls' supplement to its application, filed on April 20, 2018 (AIS Item No. 13);
5. Canyon Falls' Supplemental Proof of Notice, filed on May 4, 2018 (AIS Item No. 15);
6. Canyon Falls' Consent Form filed on July 31, 2018 (AIS Item No. 19); and
7. Canyon Falls' supplement to its application, filed on August 21, 2018 (AIS Item No. 20);
8. Staff's Recommendation on Final Disposition and supporting documentation, filed on August 22, 2018 (AIS Item No. 21);
9. Canyon Falls' Corrected Supplemental Proof of Notice and explanation of scrivener's error, filed on August 24, 2018 (AIS Item No. 22); and
10. The attached final map and certificate

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

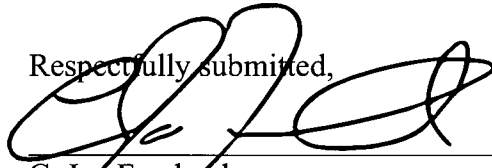
The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant Canyon Falls' application for a water CCN. Also attached are the final map and certificate that were included in Staff's final recommendation.

### **IV. CONCLUSION**

Staff has agreed that Applicant is authorized to file this pleading on its behalf. Therefore, the parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

**Dated: August 31, 2018**

Respectfully submitted,

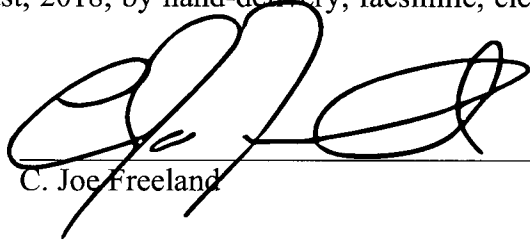


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ATTORNEYS FOR CANYON FALLS  
MUNICIPAL UTILITY DISTRICT NO. 1

### **CERTIFICATE OF SERVICE**

I certify that a copy of Canyon Falls' Proof of Notice was served on all parties of record in this proceeding on this 31<sup>st</sup> day of August, 2018, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.



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C. Joe Freeland

**DOCKET NO. 48054**

<b>APPLICATION OF CANYON FALLS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>MUNICIPAL UTILITY DISTRICT NO.</b>	<b>§</b>	
<b>1 OF DENTON COUNTY FOR A</b>	<b>§</b>	<b>OF TEXAS</b>
<b>WATER CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Proposed Notice of Approval addresses the application of Canyon Falls Municipal Utility District No. 1 of Denton County (Canyon Falls) for a water certificate of convenience and necessity in Denton County. The Staff of the Public Utility Commission (Staff) recommended approval of the application. Consistent with Staff's recommendation, 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. Canyon Falls is a municipal utility district created by the Texas Legislature under Section 59, Article XVI, Texas Constitution.
2. On February 12, 2018, Canyon Falls filed an application for a water CCN to include service area that includes approximately 161 acres, located entirely within the Canyon Falls' district boundaries.
3. On February 15, 2018, Order No. 1 was issued, requiring a recommendation on administrative completeness and notice, requesting a procedural schedule, and addressing other procedural matters.
4. On February 21, 2018, Canyon Falls filed a supplement to its application consisting of digital data files on compact disc.
5. On March 15, 2018, Order No. 2 was issued, finding the application incomplete and deficient, establishing deadlines and an opportunity to cure.
6. On March 22, 2018, Order No. 3 was issued, finding that the application was administratively complete and requiring Canyon Falls to provide notice.

7. On April 5, 2018, Canyon Falls filed affidavits attesting to 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.
8. On May 4, 2018, Canyon Falls filed supplemental affidavits of notice.
9. On May 7, 2018, Order No. 4 was issued, requiring Staff to file a supplemental recommendation regarding Canyon Falls' provision of notice and proof thereof.
10. On May 9, 2018, Order No. 5 was issued, finding the notice sufficient and setting forth a procedural schedule for the remainder of the proceeding.
11. On July 31, 2018, Canyon Falls filed a consent form to the CCN service area map and CCN certificate as prepared by Commission Staff.
12. On August 21, 2018, Canyon Falls filed a supplement to its application, consisting of a Municipal Utility District Delivery Schedule and TCEQ Authorization Letters.
13. On August 22, 2018, Staff filed a final recommendation for approval of the application to which Staff attached the final map and certificate.
14. On August 24, 2018, Canyon Falls filed a Corrected Supplemental Proof of Notice in response to a scrivener's error in its May 4, 2018 filing.
15. The final map and CCN certificate referenced in Finding of Fact No. 11 are attached to this Notice.
16. On \_\_\_\_\_, 2018, Order No. 6 was issued, admitting evidence into the record of this proceeding.

### Notice

1. On March 2, 2018, notice of the application was published in the *Texas Register*.
2. On March 26, 2018, and May 4, 2018, Canyon Falls mailed notice of the application to neighboring utilities, counties, cities, and affected parties. An affidavit that attests to this notice was dated April 5, 2018, and August 24, 2018.
3. On March 29, 2018, and April 5, 2018, notice was provided by publication in the *Denton Record Chronicle*, a newspaper of general circulation in Denton County.

### **Informal Disposition**

1. More than 15 days have passed since the completion of the notice provided in this docket.
2. Canyon Falls and Staff are the only parties to this proceeding.
3. No requests for a hearing have been filed and no issues of fact or law are disputed by the parties. Therefore, no hearing is necessary.

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

1. The Commission has jurisdiction over Canyon Falls' application pursuant to TWC §§ 13.041, 13.241, 13.244, and 13.246 and 16 TAC §§ 24.102, 24.106, and 24.107.
2. Canyon Falls is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was proved in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
5. After considering the factors in TWC § 13.246(c), Canyon Falls is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241(a).
6. Approval of the application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and (s), Canyon Falls is 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 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.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

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<sup>1</sup> Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

### **III. ORDERING PARAGRAPHS**

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. Canyon Falls' application is approved.
2. Canyon Falls' CCN No. 13270 is hereby granted, consistent with this Notice.
3. Canyon Falls shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Denton County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
4. 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

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ADMINISTRATIVE LAW JUDGE





# **Public Utility Commission Of Texas**

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

## **Canyon Falls Municipal Utility District No. 1**

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, Canyon Falls Municipal Utility District No. 1, is entitled to this

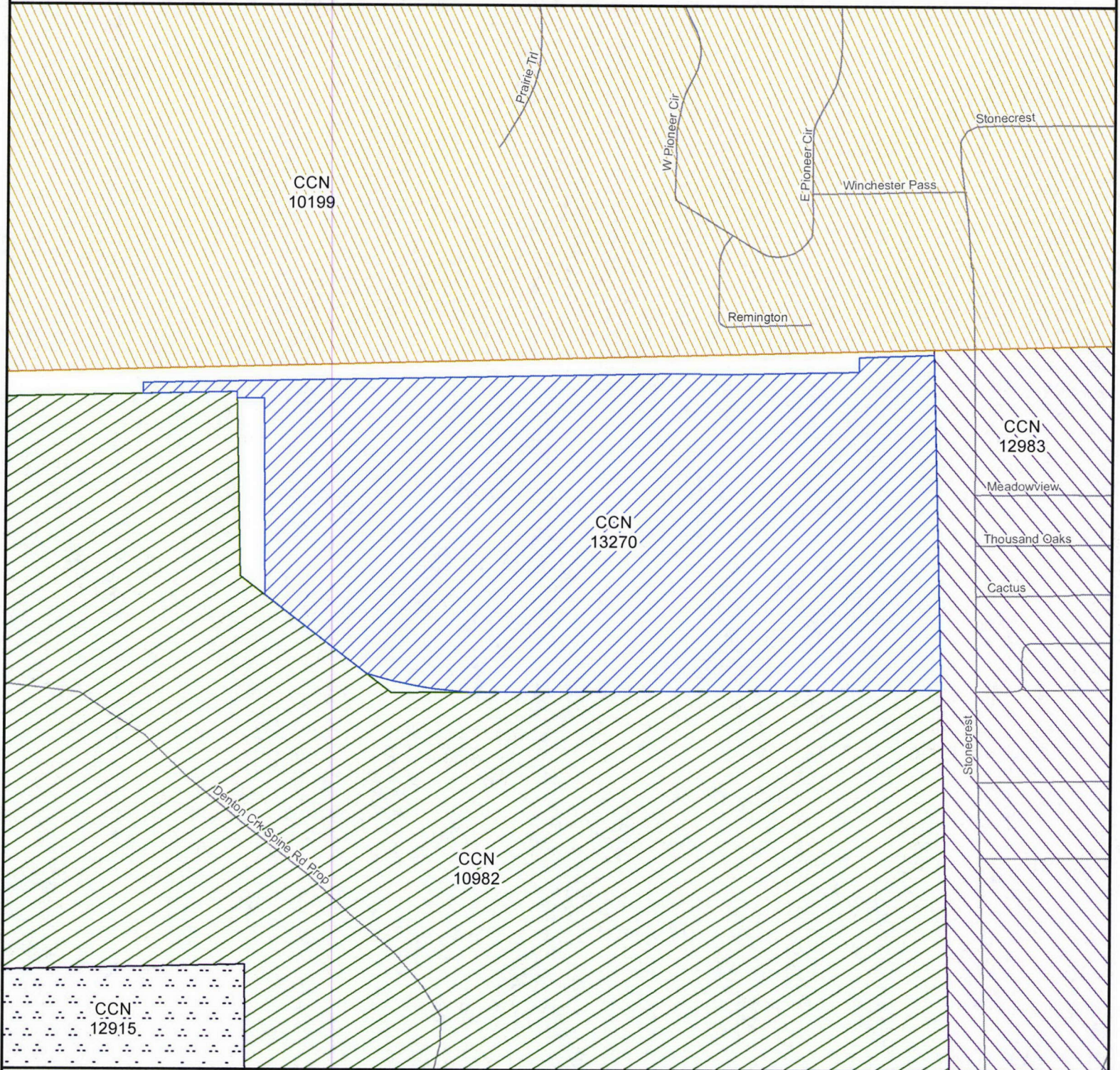
### **Certificate of Convenience and Necessity No. 13270**

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48054 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 Canyon Falls Municipal Utility District No. 1, 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.



Canyon Falls MUD No. 1  
 Water CCN No. 13270  
 PUC Docket No. 48054  
 Obtained New CCN in Denton County



**Water CCN**

-  13270 - Canyon Falls MUD No 1
-  10199 - Argyle WSC
-  12983 - Monarch Utilities I LP
-  10982 - Town of Flower Mound
-  12915 - Town of Northlake

0 400 800  
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Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

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