



Control Number: 48104



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Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILED IN CLEAR DIVISION

<p>APPLICATION OF RINCON WATER SUPPLY CORPORATION TO AMEND CERTIFICATE OF CONVENIENCE AND NECESSITY IN SAN PATRICIO COUNTY</p>	<p>§ § § § §</p>	<p>PUBLIC UTILITY COMMISSION</p>
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JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) and Rincon Water Supply Corporation (Rincon) (together, the Parties), and files this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On February 26, 2018, Rincon Water Supply Corporation (Rincon) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11440 in San Patricio County. The total area being requested includes approximately 120 acres and no current customers.

On August 3, 2018 Order No. 5 was issued establishing a deadline of October 10, 2018 for parties to file a joint proposed findings of fact, corresponding conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The parties move to admit the following into the record of evidence of this proceeding:

1. The application, filed on February 26, 2018.
2. Texas Registrar Notice, filed on March 16, 2018.
3. The supplement to the application, filed on April 6, 2018.
4. Commission Staff’s recommendation finding the application administratively complete, filed on May 24, 2018.
5. An affidavit of notice filed on July 11, 2018.
6. A publisher’s affidavit filed on August 1, 2018.

7. Commission Staff's recommendation finding notice sufficient, filed on August 2, 2018.
8. Rincon's executed consent form filed September 24, 2018.
9. Commission Staff's Recommendation on Final Disposition filed October 3, 2018.
10. The Final Map (attached).
11. Certificate of Convenience (attached).

III. JOINT PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval would grant approval to Rincon to amend its water Certificate of Convenience and Necessity (CCN) No. 11440 in San Patricio County.

IV. CONCLUSION

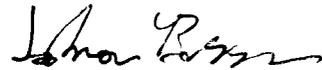
The parties respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 9, 2018 in accordance with 16 TAC § 22.74.



Joshua Adam Barron

DOCKET NO. 48104

APPLICATION OF RINCON WATER SUPPLY CORPORATION TO AMEND CERTIFICATE OF CONVENIENCE AND NECESSITY IN SAN PATRICIO COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application of Rincon Water Supply Corporation (Rincon) for approval to amend its water Certificate of Convenience and Necessity (CCN) No. 11440 in San Patricio County. The Public Utility Commission of Texas (Commission) staff (Staff) recommended approval of the Application. The Application is approved. The Commission adopts the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

Applicant

1. Rincon is a Class B utility, providing retail water service under CCN No. 11440 in San Patricio County.

Application

2. Rincon filed an application for approval to amend its CCN No. 11440 in San Patricio County.
3. The total area requested includes approximately 120 acres and no current customers.
4. Rincon has financial stability and the financial resources to operate and manage the utility and to provide continuous and adequate service to the current and proposed utility service area.
5. Rincon has demonstrated adequate financial, managerial, and technical capabilities to provide service to the requested area.
6. Approval of the application will not adversely impact the environmental integrity of the land included in the requested area.
7. Rincon is capable of providing continuous and adequate service to the requested area.
8. The transaction will serve the public interest.

Notice

9. Notice of the application appeared in the March 16, 2018, issue of the *Texas Register*.

10. On June 25, 2018 Rincon provided notice to:

City of Corpus Christi
City of Portland
Corpus Christi Aquifer Storage & Recovery Conservation District
Nueces River Authority
Port of Corpus Christi,
San Patricio County Drainage District
San Patricio County Groundwater Conservation District
San Patricio County Judge - Terry Simpson
San Patricio Municipal Water District
Marvin Berry
Jeffrey Davis Hunt
Maurice Roy
Abral Oil Company
Alta Mesa Resources
James Mikulencak
Terrell Allison
Ray Dubose
J.W. Richeson
Jim Fay

11. On July 11, 2018 Rincon filed proof of notice.

12. On August 1, 2018 Rincon filed a publisher's affidavit affirming publication of notice in the Corpus Christi Caller-Times on July 12, 2018 and July 19, 2018.

Procedural History

13. On February 26, 2018, Rincon filed an application seeking approval to amend its water CCN No. 11440 in San Patricio County.

14. In Order No. 1, issued on March 5, 2018, the Administrative Law Judge (ALJ) required Commission Staff to provide comments on the administrative completeness of the application and proposed notice.

15. On March 26, 2018, Commission Staff recommended that the ALJ find the application deficient.

16. In Order No. 2, issued on March 29, 2018, the ALJ found the application incomplete and established a deadline for Rincon to cure.

17. On April 6, 2018 Rincon supplemented the application to cure the deficiencies listed in Order No. 2.

18. On May 24, 2018, Commission Staff recommended that the ALJ find the application administratively complete and require applicants to provide notice.
19. In Order No. 2, issued on May 31, 2018, the ALJ found the application administratively complete and required Rincon to provide notice and established a procedural schedule for continued processing.
20. On July 11, 2018, Rincon filed a proof of notice affidavit.
21. On July 19, 2018, Commission Staff recommended the ALJ find notice deficient.
22. In Order No. 3, issued on July 20, 2018, the ALJ found the notice to be deficient and established a deadline for Rincon to cure.
23. On July 23, 2018, Atlee Ray Dubose filed a Motion to Intervene.
24. On July 30, 2018 the ALJ granted the Motion to Intervene.
25. On August 1, 2018, Rincon filed a proof of publication affidavit.
26. In Order No. 5, issued on August 3, 2018, the ALJ found notice to be sufficient and established a procedural schedule.
27. On September 24, 2018, Rincon filed a consent form concurring with the final map and certificate as prepared by Commission Staff.
28. Atlee Ray Dubose never requested a hearing on the merits.
29. On October 3, 2018, Staff filed a final recommendation, recommending that the application be approved.
30. On October 10, 2018, the parties filed a joint motion to admit evidence into the record.
31. In Order No. 6, issued on ____, the ALJ admitted evidence into the record.

II. Conclusions of Law

1. The Commission has jurisdiction under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, and 13.246.
2. Rincon is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 Texas Administrative Code (TAC) § 24.106.
4. The application was processed in accordance with the TWC, Administrative Procedure Act¹, and Commission Rules.

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

5. After considering the factors in TWC § 13.246(c), Rincon has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.
6. Approval of the application is necessary for the service, accommodation, convenience, and safety of the public, as required under TWC § 13.246(b).
7. Under TWC § 13.257(r) and (s), Rincon 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 submit to the Commission evidence of the recording.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

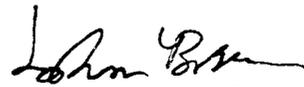
1. The Commission approves the application, as supplemented.
2. The Commission amends Rincon's CCN Number 11440.
3. The Commission approves the certificate and map attached to this Notice.
4. The Commission's official service area boundary map for Rincon shall reflect the change as provided in the attached map.
5. Rincon shall serve every customer and applicant for water service within the approved area that request water service and meet the terms of Rincon's regulations to receive water service and such service shall be continuous and adequate.
6. Rincon shall comply with the recording requirements of TWC § 13.257(r) and (s) for the area in San Patricio County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



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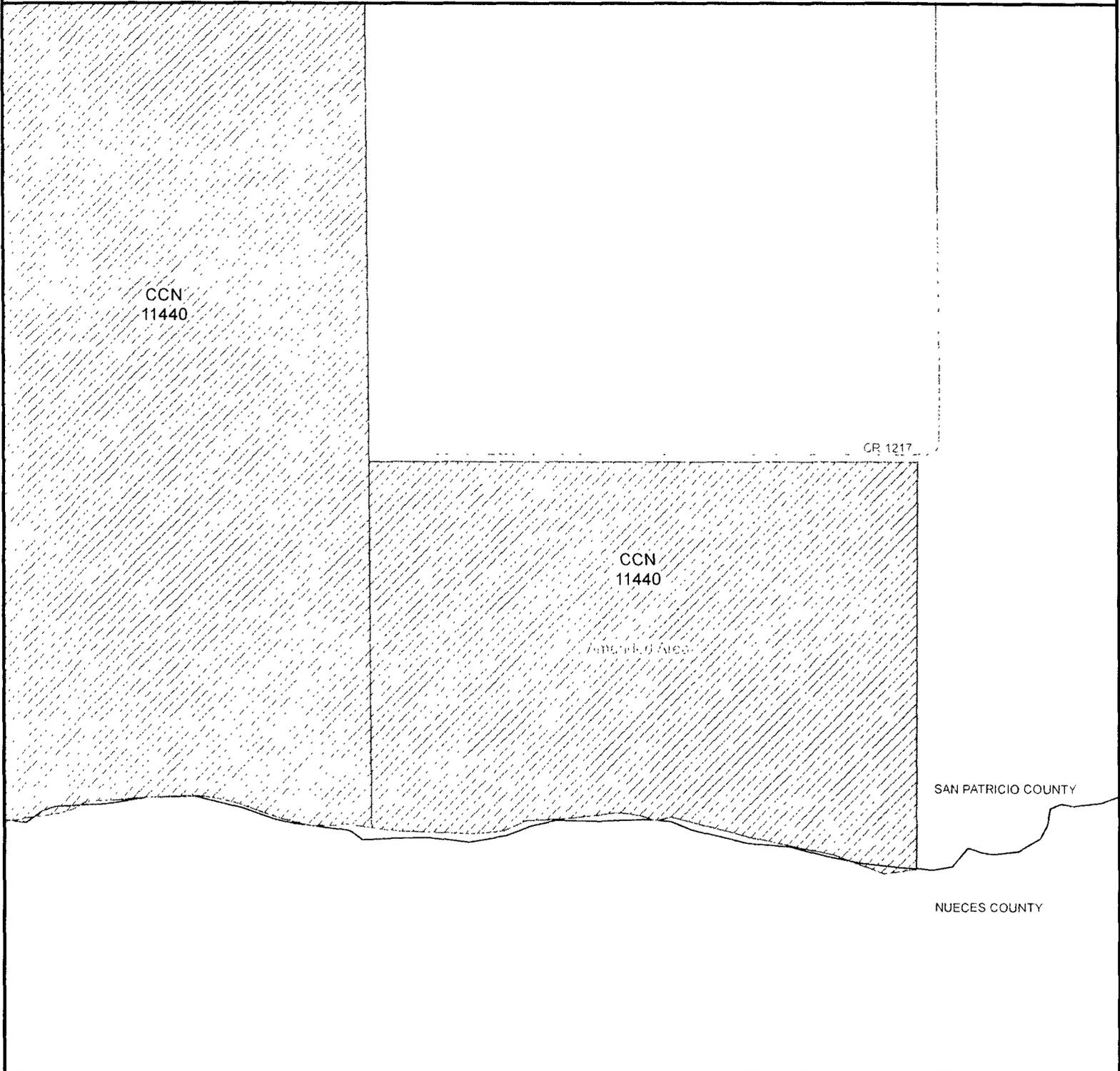
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 10, 2018 in accordance with 16 TAC § 22.74.



Joshua Adam Barron

Rincon Water Supply Corporation
Portion Water CCN No. 11440
PUC Docket No. 48104
Amended CCN No. 11440 in San Patricio County



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

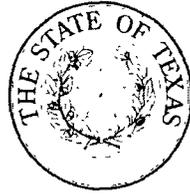
Water CCN

 11440 - Rincon WSC

0 350 700
Feet



Map by Komal Patel
Date created September 4, 2018
Project Path n:\finalmapping\
48104RinconWSC.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That Rincon Water Supply Corporation

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, Rincon Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11440

to provide continuous and adequate water utility service to that service area or those service areas in San Patricio County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48104 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 Rincon Water Supply Corporation, 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.