



Control Number: 48232



Item Number: 31

Addendum StartPage: 0

**DOCKET NO. 48232**

<b>APPLICATION OF BOURLAND</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FIELD DEVELOPMENT</b>	<b>§</b>	
<b>CORPORATION AND BOURLAND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>ESTATES WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN PARKER COUNTY</b>	<b>§</b>	

2019-11-14 PM 2:39  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S CORRECTIONS TO THE NOTICE OF APPROVAL**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files these Corrections to the Notice of Approval. In support thereof, Staff shows the following:

**I. BACKGROUND**

On April 5, 2018, Bourland Estates Water Supply Corporation (Bourland Estates WSC) and Bourland Field Development Corporation (BFE Water) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Parker County, Texas. Specifically, Bourland Estates WSC seeks approval to acquire facilities and to transfer water service area from BFE Water under certificate of convenience and necessity (CCN) No. 12899. On April 25, 2018, the Applicants filed a supplement to the application, including revised mapping information. The supplement sought to amend the requested CCN water service area, which includes 163 total acres and 39 current customers.

On July 22, 2019, the Commission administrative law judge (ALJ) issued a notice of approval in this docket. Under the Commission rules, specifically, 16 Texas Administrative Code (TAC) § 22.35(c)(1), parties may file suggested corrections to a notice of approval within fifteen (15) days of the issuance of such notice. Therefore, Staff's suggested corrections in this pleading are timely filed.<sup>1</sup>

---

<sup>1</sup> Fifteen (15) days from the date the notice of approval was issued (July 22, 2019) is Tuesday, August 6, 2019.

## II. STAFF'S PROPOSED CORRECTIONS

Staff proposes the following corrections to the notice of approval:

- Insert new Finding of Fact following current Finding of Fact No. 5 to establish the Applicants request for a CCN amendment.

##. On April 25, 2018, Applicants filed supplemental maps reflecting a requested amendment to the certificated area under CCN number 12899.

- Insert new Finding of Fact following current Finding of Fact No. 42 to convey that a CCN amendment was requested in the current docket. On April 24, 2019, in Commission Staff's Response to Order No. 8, Leila Guerrero of the Water Services Division confirmed that a CCN amendment was requested in the matter in order to accurately reflect the current water service area.

##. On April 24, 2019, Commission Staff filed its response to Order No. 8, clarifying that a CCN amendment was requested in the current proceeding. The CCN amendment requested to remove service area that had never been served by BFE Water and add service area where BFE Water currently provides water service. No customers would be added or removed as a result of the requested CCN amendment.

- Modify current Finding of Fact No. 43 to clarify the accuracy of the Bourland Estates WSC filing on April 25, 2019. Bourland Estates WSC stated that "[t]he parties involved are not requesting a revision but rather this is a corrected map of the area in which BFE Water has always operated." Staff agrees the map did require correction for the reasons stated by Bourland Estates WSC. Nonetheless, the correction sought by Bourland Estates WSC, and referred to in its filing, necessitates a CCN amendment.

43. ~~##.~~ On April 25, 2019, Bourland Estates WSC filed supplemental mapping information in response to Order No. 8 clarifying that ~~they are not seeking a CCN amendment and the~~

mapping inconsistency reference in the order was based on a mapping error caused by incorrect boundary lines in the GIS system.

- Modify current Conclusion of Law No. 3 to reflect that the Applicants provided proper notice for a CCN amendment.

~~3- ##.~~ BFE Water and Bourland Estates WSC provided notice of the application as required by TWC § 13.301(a)(2), 16 TAC § 24.235, and 16 TAC § 224.239(a) through (c).

- Modify current Conclusion of Law No. 4 to reflect that the application was processed in accordance with the requirements for both a sale, transfer, or merger application and a CCN amendment application

~~4- ##.~~ The Commission processed the application in accordance with the requirements of ~~TWC § 13.301 and 16 TAC § 24.239~~ the Administrative Procedure Act,<sup>2</sup> TWC, and Commission Rules.

- Insert new Conclusion of Law following current Conclusion of Law No. 7 to reflect that the application, as supplemented, meets the statutory and rule requirements for a CCN amendment.

##. The application, as supplemented, meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246, and 16 TAC §§ 24.225, 24.227, and 24.233, for granting an amendment to the CCN.

- Modify current Conclusion of Law No. 8 to reflect that the requested CCN amendment will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public.

---

<sup>2</sup> Tex. Gov't Code ch. 2001.

8. ~~##~~, BFE Water and Bourland Estates WSC have demonstrated that the amendment to CCN No. 12899, the sale of BFE Water's water systems to Bourland Estates WSC, and the transfer of the service area held under CCN No. 12899 to Bourland Estates WSC will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public. TWC §§ 13.246(b), 13.301(d) and 16 TAC § 24.227(c).

- Insert Ordering Paragraph No.1 to reflect approval of the CCN amendment.
  1. The Commission amends CCN number 12899 as described in this Notice of Approval and shown on the attached map.
- Insert Ordering Paragraph No. 2 to describe the CCN amendment.
  2. CCN number 12899 is amended to singly certificate approximately 163 acres in Parker County, Texas. The CCN is amended to remove service area that had never been served by BFE Water and add service area where BFE Water currently provides water service.
- Substitute the map attached to the Notice of Approval to accurately reflect Bourland Estates WSC's water service area. On November 20, 2018, the correct final map, depicting the revised service area resulting from the requested CCN amendment, was attached to the parties' joint motion to admit evidence and proposed notice of approval. The aforementioned map was consented to Bourland Estates WSC on November 7, 2018, and by BFE Water on November 9 and 12, 2018.

### **III. CONCLUSION**

Staff respectfully requests that the Commission ALJ adopt the corrections proposed above.

**Dated:** August 1, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



---

Richard 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

**DOCKET NO. 48232**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 1, 2019, in accordance with 16 TAC § 22.74.



---

Richard Nemer