



Control Number: 48299



Item Number: 24

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APPLICATION OF LEVI
WATER SUPPLY CORPORATION TO
AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MCLENNAN AND FALLS COUNTIES

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PUBLIC UTILITY COMMISSION

OF

TEXAS

FILED BY COMMISSION
FILING CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

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

I. BACKGROUND

On April 19, 2018, Levi filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10018 in McLennan and Falls Counties. On September 12, 2018, the Administrative Law Judge (ALJ) issued Order No. 4, deeming the notice sufficient and establishing November 16, 2018, as the deadline for parties to file a joint proposed findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

Staff and Levi jointly request to admit the following evidence into the record of this proceeding:

1. Levi's application (Item No. 1, filed April 19, 2018).
2. Levi's amended application map (Item No. 9, filed June 8, 2018).
3. Levi's Publisher's Affidavits and Affidavit of Notice to Neighboring Utilities, Landowners, and Cities (Item No. 16, filed September 4, 2018).
4. Levi's second amended application map (Item No. 20, filed October 18, 2018).
5. Levi's Consent Form (Item No. 21, filed October 26, 2018).
6. Commission Staff's Final Recommendation (Item No. 22, filed November 8, 2018).

7. Commission Staff's Amended Final Recommendation (Item No. 23, filed November 9, 2018).

III. PROPOSED NOTICE OF APPROVAL

The attached joint proposed Notice of Approval would grant Levi's application to amend its water CCN No. 10018 in McLennan and Falls Counties.

IV. CONCLUSION

Staff has reviewed the application and recommended approval. The Parties therefore respectfully request the Commission adopt the attached findings of fact, conclusions of law, and ordering paragraphs, as well as admit the specified evidence into the record of this proceeding.

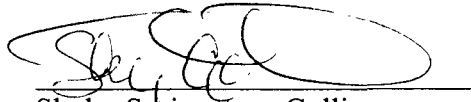
Dated: November 16, 2018

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

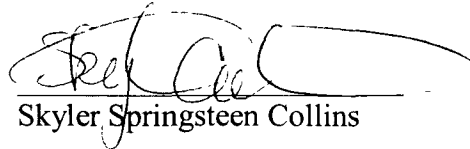


Skyler Springsteen Collins
State Bar No. 24105618
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
Skyler.Collins@puc.texas.gov

DOCKET NO. 48299

CERTIFICATE OF SERVICE

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



Skyler Springsteen Collins

PUC DOCKET NO. 48299

APPLICATION OF LEVI	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION TO	§	
AMEND A WATER CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY IN	§	
MCLENNAN AND FALLS COUNTIES	§	TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application (Application) of Levi Water Supply Corporation (Levi) for approval of an amendment to its water Certificate of Convenience and Necessity (CCN) No. 10018 in McLennan and Falls Counties, Texas. The Staff (Staff) of the Public Utility Commission of Texas (Commission) recommended approval of the petition. The Application is approved.

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

I. FINDINGS OF FACT

Description, Background, and Procedural History

1. On April 19, 2018, Levi filed an Application to amend its water CCN No. 10018 in McLennan and Falls Counties.
2. The total proposed service area requested consists of approximately 843 acres and 167 current customers.
3. On April 23, 2018, the Commission issued Order No. 1, requiring comments on administrative completeness and notice and requesting a procedural schedule.
4. On May 22, 2018, the Commission issued Order No. 2, finding Levi's Application incomplete and requiring curative work on mapping.
5. On June 8, 2018, Levi filed its first amended application map.
6. On July 26, 2018, the Commission issued Order No. 3, deeming the application sufficient for filing, requiring notice, and establishing a procedural schedule.
7. On September 4, 2018, Levi filed its Affidavits of Notice.
8. On September 7, 2018, Staff recommended that notice be deemed sufficient and proposed a procedural schedule.

9. On September 12, the Commission issued Order No. 4, finding notice sufficient and adopting an updated procedural schedule.

10. On October 18, 2018, Levi filed its second amended application map.

11. On October 26, 2018, Levi filed its consent to the final CCN and map as prepared by Staff.

12. On November 8, 2018, Staff filed its final recommendation of approval of the Application. The filing included an amended map and certificate, both of which are attached to this Notice.

13. On November 9, 2018, Staff filed its amended final recommendation of approval of the Application, clarifying its request and conclusion.

14. On November ___, 2018, the parties filed a joint proposed notice of approval and motion to admit evidence.

15. On _____, 2018, the Commission issued Order No. ___, admitting evidence into the record of this proceeding.

Notice

16. On May 4, 2018, notice of the petition was published in the *Texas Register*. Levi provided notice of the application by publication in the *Waco Farm and Labor Journal* in McLennan County, Texas, on August 10, 2018, and August 17, 2018, as recorded by a publisher's affidavit dated August 22, 2018.

17. Levi provided notice of the application by publication in the *Marlin Democrat* in Falls County, Texas, on August 8, 2018, and August 15, 2018, as recorded by a publisher's affidavit dated August 18, 2018.

18. Levi mailed notice of the Application to neighboring utilities, landowners, and cities on August 20, 2018.

19. On September 4, 2018, Levi filed an affidavit of published and mailed notice.

Evidentiary Record

20. On November ___, 2018, the Commission issued Order No. ___, admitting the following evidence into the record of this proceeding: (a) Levi's Application (Item No. 1, filed April 19,

2018); (b) Levi's amended application map (Item No. 9, filed June 8, 2018); (c) Levi's Publisher's Affidavits and Affidavit of Notice to Neighboring Utilities, Landowners, and Cities (Item No. 16, filed September 4, 2018); (d) Levi's second amended application map (Item No. 20, filed October 18, 2018); (e) Levi's Consent Form (Item No. 21, filed October 26, 2018); (f) Commission Staff's Final Recommendation (Item No. 22, filed November 8, 2018); and (g) Commission Staff's Amended Final Recommendation (Item No. 23, filed November 9, 2018).

Informal Disposition

21. More than 15 days have passed since completion of notice in this docket.
22. Staff and Levi are the only parties to the proceeding.
23. No issue of fact or law remains disputed by any party; therefore, no hearing is necessary.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over Levi's application pursuant to Texas Water Code §§ 13.004, 13.041, 13.241, 13.244, 13.246, 13.250, and 16 Texas Administrative Code §§ 24.225-24.237 (TAC) (formerly 16 TAC §§ 24.101-2.107).
2. Levi is a water supply corporation as defined in TWC § 13.002(24) and 16 TAC § 24.3(77).
3. Levi has provided public notice of the Application in compliance with TWC § 13.246 and with 16 TAC § 24.235 (formerly 16 TAC § 24.106).
4. The Application was processed in accordance with the requirements of the Administrative Procedure Act,¹ the Texas Water Code, and Commission rules.
5. Considering the relevant factors in TWC §13.246(c), Levi is entitled to approval of its water CCN amendment, 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.
6. Approval of the certificate amendment requested in the Application is necessary for the service, accommodation, convenience, or safety of the public, as required by TWC § 13.246(b) and 16 TAC § 24.227(c) (formerly 16 TAC § 24.102(c)).

¹ Tex. Gov't Code Ann. §§ 2001.001-.902.

7. Under TWC § 13.257(r) and (s) and 16 TAC § 24.235(e) (formerly 16 TAC § 24.106(e)), Levi 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 amended service area or a portion of the amended 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.

III. ORDERING PARAGRAPHS

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

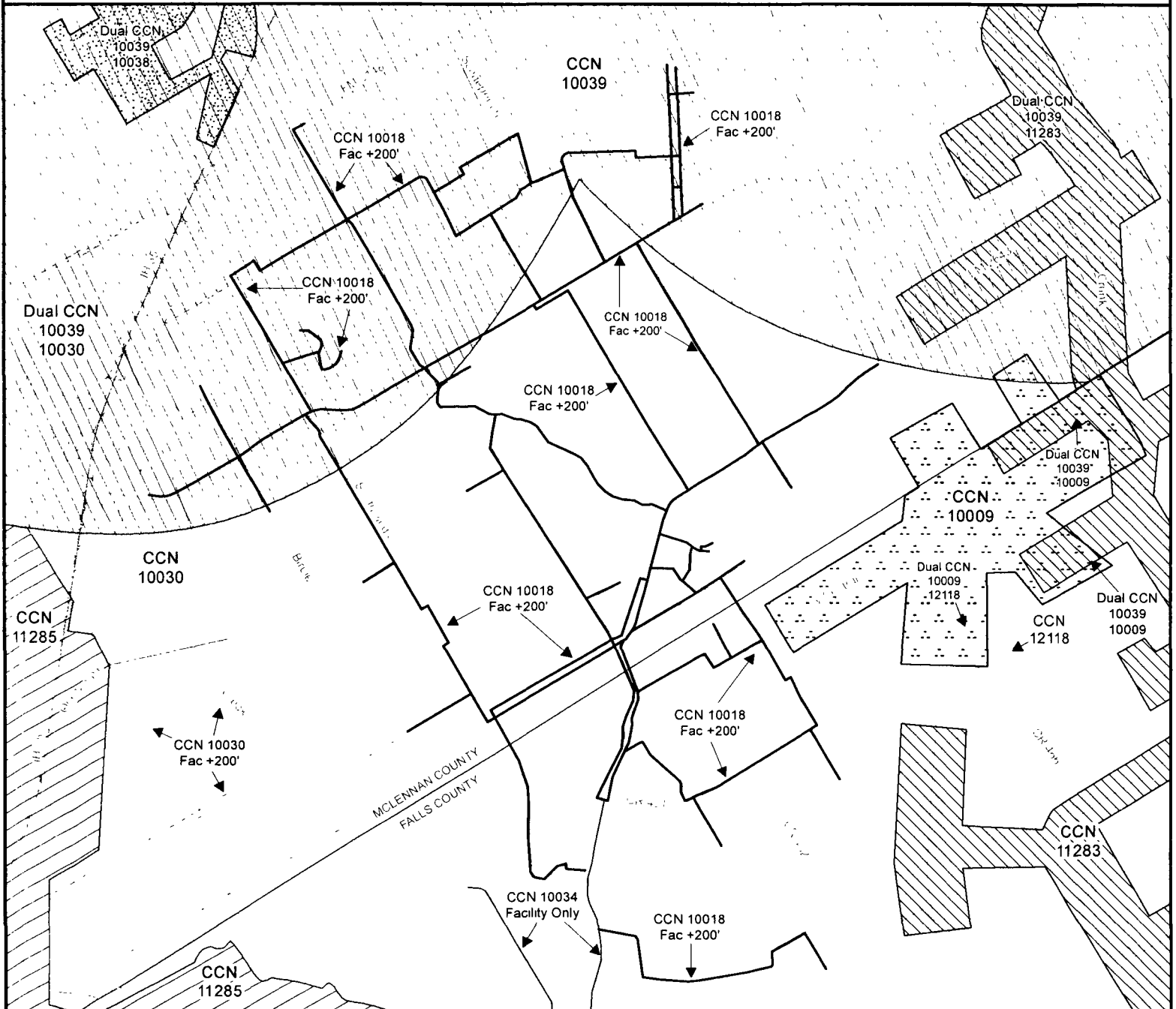
1. Levi's Application as amended is approved.
2. Levi's water CCN No. 10018 is hereby amended to reflect the addition of 843 acres of its service area in McLennan and Falls Counties.
3. Levi shall service every customer and applicant for service within the area certificated under CCN No. 10018, and such service shall be continuous and adequate.
4. Levi shall comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in McLennan and Falls Counties affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. 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 on the ____ day of _____, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE

Levi Water Supply Corporation
Water CCN No. 10018
PUC Docket No. 48299
Amended CCN 10018 in McLennan and Falls Counties



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

Map by Komal Patel
Date created October 8, 2018
Project Path n:\finalmapping\
48299LeviWSC.mxd

Water CCN Facility Lines

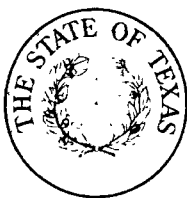
- 10018 - Levi WSC F200
- 10034 - Mooreville WSC FO
- - - 10030 - City of Lorena F200

Water CCN

- 10039 - City of Waco
- 11283 - West Brazos WSC
- 10009 - Golinda WSC
- 12118 - Sudduth Water System
- 10030 - City of Lorena
- 10038 - City of Hewitt
- 11285 - City of Bruceville Eddy

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Public Utility Commission of Texas

By These Presents Be It Known To All That

Levi 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, Levi Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10018

to provide continuous and adequate water utility service to that service area or those service areas in McLennan and Falls Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48299 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 Levi 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.