

Control Number: 48299



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DOCKET NO. 48299

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

PUBLIC UTILITY COMMISSION
OF TEXAS

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NOTICE OF APPROVAL

This Notice addresses the application of Levi Water Supply Corporation to amend its water certificate of convenience and necessity (CCN) number 10018 to include approximately 843 acres of land in McLennan and Falls Counties in which it serves 167 customers.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Levi is a domestic non-profit corporation registered with the Texas secretary of state under filing number 20010601.
2. Levi operates, maintains, and provides water service under CCN number 10018.
3. Levi has a public water system (PWS) registered with the Texas Commission on Environmental Quality (TCEQ) under PWS ID 1550035.

Application

4. On April 19, 2018, Levi filed an application to amend its water CCN number 10018.
5. The proposed service area being requested includes approximately 843 acres and 167 customers and includes certain areas within the City of Waco's and Mooreville Water Supply Corporation's CCNs.
6. The requested area is located approximately ten miles south of downtown Waco and is generally bounded on the north by West Moonlight Drive, on the east by South Robinson Drive, on the south by County Road 430, and on the west by Interstate Highway 35.
7. The City of Waco is a municipality that provides water service under CCN number 10039.

8. A portion of the requested area is in Waco's service area. On October 11, 2017, Levi and Waco entered into a dual certification agreement that will allow Levi and Waco to serve the requested area.
9. Mooreville Water Supply Corporation is a domestic non-profit corporation registered with the Texas secretary of state under file number 20895001. Mooreville operates, maintains and provides water service under CCN number 10034. Mooreville has granted permission for Levi to serve three meters within the service area for its CCN.
10. Customers in the requested area have applied to Levi for service.
11. In Order No. 3 issued July 26, 2018, the administrative law judge (ALJ) found the application administratively complete.
12. On October 26, 2018, Levi filed a consent concurring with the map and certificate as prepared by Commission Staff.

Evidentiary Record

13. On November 16, 2018, Commission Staff and Levi filed a joint motion to admit evidence.
14. In Order No. 5 issued January 4, 2019, the ALJ admitted the following evidence into the record: (a) Levi's application and all attachments filed on April 19, 2018; (b) notice of the application published in the *Texas Register* on May 4, 2018; (c) Levi's amended map filed on June 8, 2018; (d) Levi's publisher's affidavits and affidavit of notice to neighboring utilities, landowners, and cities filed on September 4, 2018; (e) Levi's second amended map filed on October 18, 2018; (f) Levi's consent form concurring with the final map and certificate filed on October 26, 2018; (g) Commission Staff's final recommendation filed on November 8, 2018; and (h) Commission Staff's amended final recommendation filed on November 9, 2018.

Notice of Application

15. Notice of the application appeared in the May 4, 2018 issue of the *Texas Register*.
16. On September 4, 2018, Levi filed the affidavit of Mary Margaret Croft, attorney, attesting that notice to neighboring systems, landowners, and cities, and affected parties was mailed on August 20, 2018.

17. On September 4, 2018, Levi filed the publisher's affidavit, attesting that notice was published in the *Waco Farm & Labor Journal* on August 10, 2018 and August 17, 2018, and the *Marlin Democrat* on August 8, 2018 and August 15, 2018.

18. In Order No. 4 issued September 12, 2018, the ALJ found the notice sufficient.

Adequacy of Existing Service—TWC § 13.246(c)(1), 16 TAC § 24.227(d)(1)

19. Levi serves 167 customers in the affected area.

20. Levi has access to an adequate supply of water and has no unresolved TCEQ violations.

Need for Additional Service—TWC § 13.246(c)(2), 16 TAC § 24.227(d)(2)

21. Levi has received requests for service from persons in the requested area. No other retail public utility serves the requested area.

Effect of Granting the Amendment—TWC § 13.246(c)(3), 16 TAC § 24.227(d)(3)

22. The effect of granting an amendment would bring Levi into compliance. Levi is currently serving customers in the certificated areas of other retail public utility providers. Levi has agreements with Waco and Mooreville to serve the requested area.

23. The Commission received no protests or concerns from any other adjacent retail public utility.

24. Granting Levi's CCN amendment will not adversely affect landowners in the area.

Ability to Serve: Managerial and Technical—TWC §§ 13.246(c)(4), 13.241(a), 16 TAC §§ 24.227(a), 24.227(d)(4)

25. Levi has a 1.152 million gallon per day water treatment plant which can serve up to 3,200 connections. Assuming the standard TCEQ metric of 360 gallons per day per connection for water supply, Levi has adequate capacity to serve the requested areas.

26. According to the TCEQ database, Levi has no pending system violations.

Ability to Serve: Financial Ability and Stability—TWC §§ 13.246(c)(6), 13.241(a), 16 TAC §§ 24.227(a), 24.227(d)(6), 24.11(e)

27. Levi has the financial ability and financial stability to pay for facilities necessary to provide continuous and adequate service to the requested area.

28. Levi's debt-to-equity ratio is less than one.

29. Levi has sufficient available cash to cover any projected operations and maintenance shortages. Levi's elected board of directors has the ability to increase rates in the event that collection of water charges is insufficient for the payment of all costs incident to the operation of Levi's water system.

Financial Assurance–TWC § 13.246(d), 16 TAC § 24.227(e)

30. There is no need to require Levi to provide a bond or other financial assurance to ensure continuous and adequate service.

Ability to Serve: Public Water System–TWC § 13.246(c)(4), 16 TAC § 24.227(a)(2)

31. Levi has a public has a public water system (PWS) registered with the Texas Commission on Environmental Quality (TCEQ) under PWS ID 1550035.

Service from Other Utilities–TWC § 13.246(c)(5), 16 TAC § 24.227(d)(5)

32. It is not feasible for an adjacent retail public utility to serve the requested area because there are no other providers in the requested area.

Regionalization or Consolidation–TWC § 13.241(d), 16 TAC § 24.227(b)

33. Levi has received approximately 40 requests for new meters in the requested area. The expanded provision of water service will contribute to residential development and economic growth in the region.

Environmental Integrity–TWC § 13.246(c)(7), 16 TAC § 24.227(d)(7)

34. The environmental integrity of the land will not be negatively impacted or disrupted as a result of granting the requested CCN amendment.

Effect on the Land–TWC § 13.246(c)(9), 16 TAC § 24.227(d)(9)

35. There will be no negative impact on the land as a result of granting the requested CCN amendment.

Improvement in Service–TWC § 13.246(c)(8), 16 TAC § 24.227(d)(8)

36. No change in service is expected for the existing customers.

Lowering of Cost–TWC § 13.246(c)(8), 16 TAC § 24.227(d)(8)

37. No change in cost is expected for the existing customers.

Tariff and Map

38. On October 19, 2018, Commission Staff emailed its proposed tariff, map, and certificate to Levi.
39. On October 26, 2018, Levi filed its consent to the proposed tariff, map, and certificate.
40. On November 8, 2018, Commission Staff filed the proposed tariff, map, and certificate as an attachment to its recommendation.

Informal Disposition

41. More than 15 days have passed since the completion of notice provided in this docket.
42. No person filed a protest or motion to intervene.
43. Levi and Commission Staff are the only parties to this proceeding.
44. No party requested a hearing and no hearing is needed.
45. Commission Staff recommended approval of the application.
46. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this application under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, 13.246, and 13.248.
2. Levi is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.235.
4. The Commission processed the application in accordance with the Administrative Procedure Act,¹ the TWC, and Commission rules.

¹ Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–.902.

5. Levi possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested area in McLennan and Falls Counties as required by TWC § 13.241 and 16 TAC § 24.227.
6. The amendment to CCN number 10018 is required for the public convenience and necessity and is necessary for the service, accommodation, convenience, and safety of the public under TWC §§ 13.242 and 13.246.
7. Under TWC § 13.250, Levi must serve every customer within the added area under water CCN number 10018 and the service must be continuous and adequate service.
8. Levi must record a certified copy of the approved map for the certificate amendment, along with a boundary description of the service area, in the real property records of McLennan and Falls Counties within 31 days of receiving this Notice and submit to the Commission evidence of the recording. TWC § 13.257(r), (s).
9. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

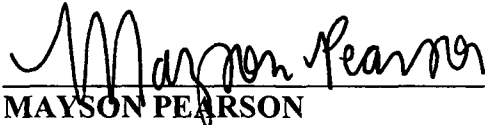
In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends Levi's water CCN number 10018 to include the requested area as described in this Notice and shown on the map attached to this Notice.
2. The Commission grants the certificate attached to this Notice.
3. The Commission approves the tariff filed by Commission Staff on November 8, 2018.
4. Within ten days after the date of this Notice, Commission Staff must provide a clean copy of the tariff approved in this Notice to central records to be marked *Approved* and filed in the Commission's tariff book.
5. Levi must provide continuous and adequate service to every consumer within its certificated service area in accordance with its tariff.
6. Levi must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in McLennan and Falls Counties affected by the application.

7. Levi must file in this docket proof of the recording required in ordering paragraph 6 not later than 45 days after the date of this Notice.
8. The Commission denies all motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 20th day of March 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Mayson Pearson", is written over a horizontal line.

MAYSON PEARSON
ADMINISTRATIVE LAW JUDGE

W2013

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Public Utility Commission of Texas

By These Presents Be It Known To All That

Levi Water Supply Corporation

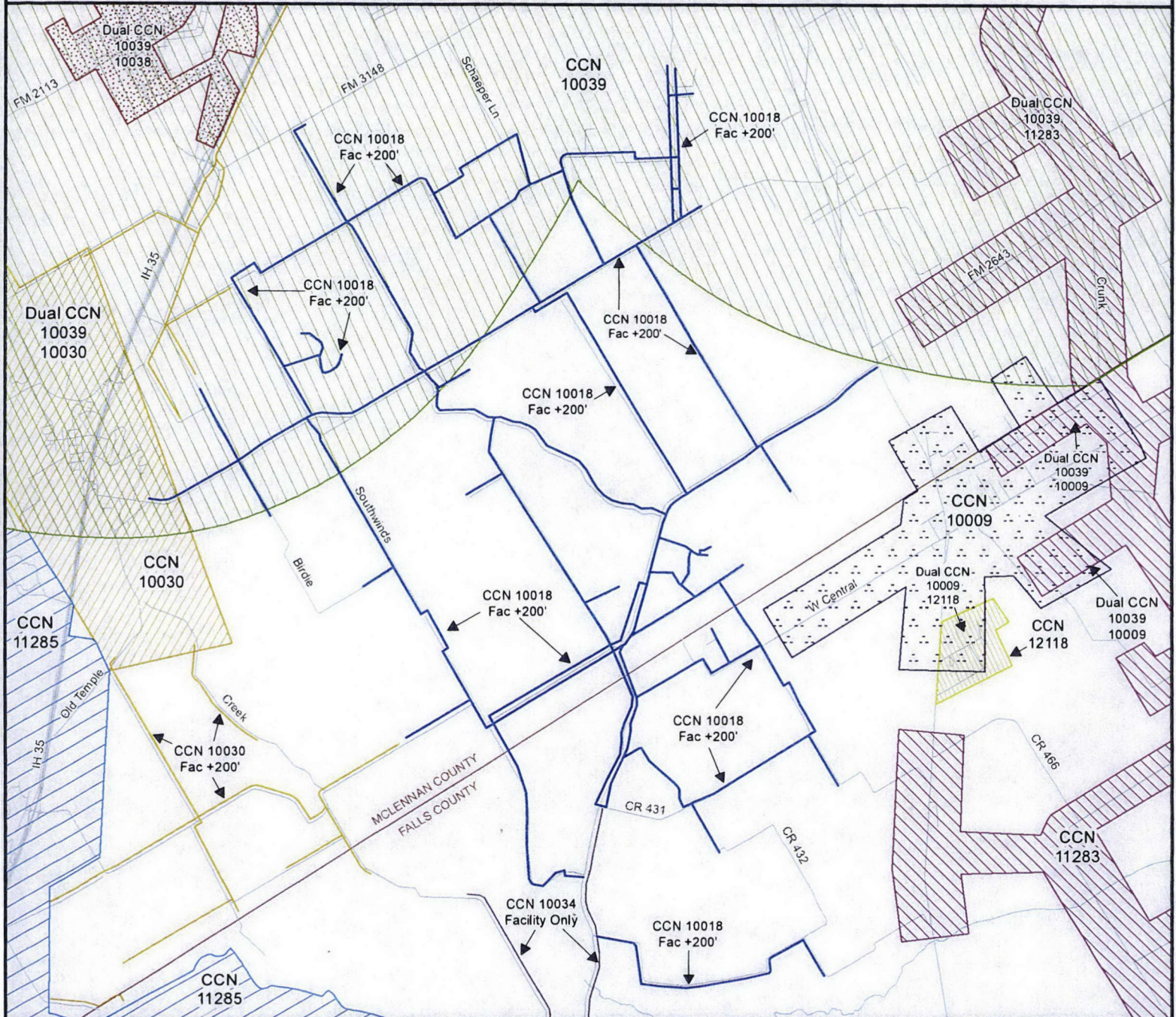
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Levi Water Supply Corporation, is entitled 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 Orders duly entered by this Commission, which Orders resulting from Docket No. 48299 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 vi 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, the 20th day of March 2019.

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

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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