



Control Number: 48375



Item Number: 13

Addendum StartPage: 0

RECEIVED

APPLICATION OF CITY OF ELGIN AND AQUA WATER SUPPLY CORPORATION FOR APPROVAL OF SERVICE AREA CONTRACT UNDER TEXAS WATER CODE § 13.248 AND TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN BASTROP COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION 2018 SEP 4 11 41 AM OFFICE OF THE PUBLIC UTILITY COMMISSION FILING CLERK
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JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COME NOW, the City of Elgin (Elgin), Aqua Water Supply Corporation (Aqua), and the Staff of the Public Utility commission of Texas (Staff) (collectively, Parties), and hereby submit this Joint Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

I. BACKGROUND

On May 17, 2018, the City of Elgin (Elgin) and Aqua Water Supply Corporation (Aqua) filed an application under the Texas Water Code § 13.248 for approval of a service area contract and to amend their water certificates of convenience and necessity (CCN) in Bastrop County.

Elgin holds CCN No. 10311 and Aqua holds CCN No. 10294. The Applicants, by mutual agreement, seek approval to alter the boundaries of the certificates and transfer one separate affected service area comprising 140 acres and 0 current customers from Aqua to Elgin. There is no transfer of assets or facilities between the applicants.

Elgin's application was filed pursuant to 16 Tex. Admin. Code (TAC) § 24.117.¹ On June 22, 2018, the Administrative Law Judge issued Order No. 2, which required the Parties to file a joint proposed notice of approval by September 5, 2018. This pleading is therefore timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

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

- (a) The Application, filed on May 17, 2018 (AIS Item No. 1);

¹ 16 Tex. Admin. Code § 24.117 (TAC)

- (b) *Texas Registrar* Notice, filed on May 29, 2017 (AIS Item No. 4);
- (c) Additional information requested from Aqua, filed on June 4, 2017 (AIS Item No. 5);
- (d) Supplemental revised maps and submitted by Elgin, filed on June 8, 2018 (AIS No. 6);
- (e) Commission Staff's recommendation finding the application administratively complete, filed on June 18, 2018 (AIS Item No. 7);
- (f) Aqua's executed consent form, filed on August 3, 2018 (AIS No. 9); and
- (g) Elgin's executed consent form, filed on August 8, 2018 (AIS No. 10).

III. JOINT PROPOSED NOTICE OF APPROVAL

Staff and the Applicants have agreed on the attached Joint Proposed Notice of Approval to grant the Applicants' application to amend their CCNs in Bastrop 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.

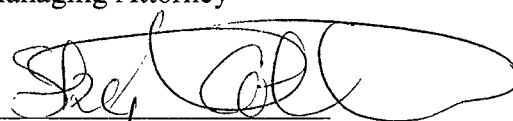
Dated: September 4, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

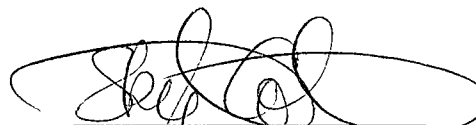


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DOCKET NO. 48375

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 4, 2018, in accordance with 16 TAC § 22.74.


Skyler Springsteen Collins

DOCKET NO. 48375

APPLICATION OF CITY OF ELGIN AND AQUA WATER SUPPLY CORPORATION FOR APPROVAL OF SERVICE AREA CONTRACT UNDER TEXAS WATER CODE § 13.248 AND TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN BASTROP COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Elgin (Elgin) and Aqua Water Supply Corporation (Aqua) (collectively, Parties) for approval and enforcement of a service area contract to amend their water certificates of convenience and necessity (CCN) Nos. 10311 and 10294, respectively, in Bastrop County under Texas Water Code (TWC) § 13.248 and Texas Administrative Code (TAC) § 24.117. The Staff of the Public Utility Commission (Staff) recommended approval of the application.

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

I. FINDINGS OF FACT

Procedural History and Background

1. Elgin holds water certificate of convenience and necessity (CCN) No. 10311.
2. Aqua holds water certificate of convenience and necessity (CCN) No. 10294.
3. On May 17, 2018, Elgin and Aqua filed a joint application under TWC § 13.248 and 16 TAC § 24.117 for approval of an agreement to transfer service area between the applicants to transfer one separate affected service area comprising 140 acres and zero current customers of Aqua's water CCN No. 10294 to Elgin's water CCN No. 10311. There are no transfer of assets or facilities between the applicants.
4. On May 22, 2018, Order No. 1 was issued requiring Aqua to provide supplemental information indicating its legal name, all assumed names, the form of business in Texas and the legal name of a parent company, if any. It also required Staff to file a recommendation on sufficiency of the application and proposed procedural schedule.

5. On June 4, 2018, Aqua filed supplemental information responsive to Order No. 1.
6. On June 18, 2018, Staff filed its recommendation on sufficiency and a proposed procedural schedule.
7. On June 22, 2018, Order No. 2 was issued finding that the application was sufficient and administratively complete.
8. On July 31, 2018, Commission Staff provided final maps, certificates, and tariffs to the applicants for their review and consent.
9. On August 3, 2018, Aqua filed a consent form to the map and certificates as prepared by Staff.
10. On August 8, 2018, Elgin filed a consent form to the map and certificate as prepared by Staff.
11. On August 27, 2018, Staff filed a final recommendation recommending approval of the application.
12. On _____, Staff and the parties filed a joint motion to admit evidence and notice of approval. The maps and certificates discussed in Findings of Fact 8, 9 and 10 are attached to this notice.

Notice

13. On June 1, 2018, notice of the application was published in the *Texas Register*.
14. No additional notice of this application was required.

Evidentiary Record

15. On August ___, 2018, Order No. 3 was issued admitting evidence into the record of this proceeding.

Informal Disposition

16. More than 15 days have passed since completion of the notice provided in this docket.
17. There were no protests or hearing requests filed in response to the public notice.
18. Elgin, Aqua, and Staff are the only parties to this proceeding.
19. No issues of fact or law are disputed by the parties.

II. CONCLUSIONS OF LAW

1. Aqua is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 Administrative Code (TAC) § 24.3(59).
2. Elgin is a retail public utility as defined in Texas Water Code § 13.002(19) and 16 TAC § 24.3(59).
3. The Commission has jurisdiction over the Parties' application pursuant to TWC §§ 13.041, 13.241 and 13.248.
4. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.117.
5. The application was processed in accordance with the Administrative Procedure Act, TWC and Commission rules.
6. After considering the factors in TWC § 13.248, Aqua and Elgin are entitled to approval of their agreement to transfer areas within their respective certificates of convenience and necessity, 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).
7. Approval of this 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).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), Aqua and Elgin are 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.
9. 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. The application is approved.
2. Elgin's water CCN No. 10311 is hereby amended consistent with this Notice.
3. Aqua's water CCN No. 10294 is hereby amended consistent with this Notice.
4. Elgin shall serve every customer and applicant for service within the approved area under water CCN No. 10311 and such service shall be continuous and adequate.
5. Aqua shall serve every customer and applicant for service within the approved area under water CCN No. 10294 that requests water service, and such service shall be continuous and adequate.
6. The Parties shall comply with the recording requirements in TWC § 13.257 (r)-(s) for the area in Bastrop 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, 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 September, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



ADMINISTRATIVE LAW JUDGE

City of Elgin
Portion of Water CCN No. 10311
PUC Docket No. 48375
13.248 Agreement Amended CCN No. 10311 and
Decertified a Portion of Aqua WSC, CCN No. 10294 in Bastrop County



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

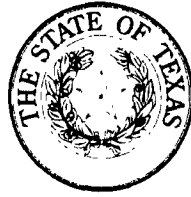
Water CCN

-  10311 - City of Elgin
-  10294 - Aqua WSC

0 500 1,000
Feet



Map by: Komal Patel
Date created: July 11, 2018
Project Path: n:\finalmapping\
48375CityofElgin.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua 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, Aqua Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10294

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48375 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 Aqua 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.



Public Utility Commission of Texas

**By These Presents Be It Known To All That
City of Elgin**

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, City of Elgin is entitled to this

Certificate of Convenience and Necessity No. 10311

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48375 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 City of Elgin, 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.