

Control Number: 48375



Item Number: 15

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DOCKET NO. 48375

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

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FILING CLERK

NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Elgin and Aqua Water Supply Corporation (collectively, the applicants) for approval of a service area contract to amend their water certificates of convenience and necessity (CCN) in Bastrop County. The Commission approves the application.

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

**I. Findings of Fact**

**Applicants**

1. The City provides retail water service under CCN number 10311 to certain areas of Bastrop and Travis counties.
2. Aqua Water Supply is a domestic nonprofit water supply corporation registered with the Texas Secretary of State to do business under file number 0025894701.
3. Aqua Water Supply provides retail water service under CCN number 10294 to certain areas of Bastrop, Caldwell, Fayette, Lee, Travis, and Williamson counties.
4. The applicants' CCN boundaries abut one another.

**Application**

5. On May 17, 2018, the applicants filed an application for approval of a service area contract that would amend their water CCNs in Bastrop County. The application included the executed contract, service area maps, general location maps, the City's meeting agenda and minutes, and Aqua Water Supply's meeting agenda and minutes.

6. On June 8, 2018, the applicants provided slightly revised maps that replaced the maps originally filed with the application on May 17, 2018.
7. The City owns a 140-acre tract of land currently located within Aqua Water Supply's CCN.
8. In accordance with the contract, the applicants agree to alter the boundaries of their respective water CCNs to transfer the 140-acre tract, which contains no current retail water customers, from Aqua Water Supply to the City. The amendment will enable the City to serve the entire 140 acre tract.
9. The application does not include the transfer of assets or facilities between the applicants.
10. In Order No. 2, issued on June 22, 2018, the administrative law judge (ALJ) deemed the application administratively complete.
11. On July 31, 2018, Commission Staff provided final maps, certificates, and tariffs to the applicants for their review and consent.
12. On August 3, 2018, Aqua Water Supply filed a signed consent form agreeing to the revised map and amended certificates, as prepared by Commission Staff.
13. On August 8, 2018, the City filed a signed consent form agreeing to the revised map and amended certificates, as prepared by Commission Staff.

#### Notice

14. Notice of the application appeared in the June 1, 2018 issue of the *Texas Register*.
15. At a meeting of Aqua Water Supply's Board of Directors held on December 4, 2017, the board considered and approved the contract with the City.
16. At a meeting of the City's City Council held on January 2, 2018, the council considered and approved the contract with Aqua Water Supply.
17. In Order No. 2, issued on June 22, 2018, the ALJ found notice in the *Texas Register* sufficient and no additional notice required because no current customers are in the area proposed for transfer.

#### Evidence

18. On September 4, 2018, the City, Aqua Water Supply, and Commission Staff filed a joint motion to admit evidence.

19. In Order No. 3 issued on October 10, 2018, the ALJ admitted the following evidence into the record: (a) the applicants' application and all attachments filed on May 17, 2018; (b) Texas *Register* acknowledgement of publication filed on May 29, 2018; (c) Aqua Water Supply's supplemental application information filed on June 4, 2018; (d) the applicants' revised maps filed on June 8, 2018; (e) Commission Staff's application sufficiency recommendation filed on June 18, 2018; (f) Aqua Water Supply's signed consent form filed on August 3, 2018; (g) the City's signed consent form filed on August 8, 2018; and (h) Commission Staff's final recommendation and attachments filed on August 27, 2018.

**Informal Disposition**

20. More than 15 days have passed since the completion of the notice provided in this docket.
21. There were no protests, motions to intervene, or requests for hearing filed.
22. Commission Staff and the applicants are the only parties to this proceeding.
23. The approval of the contract is not adverse to any party.
24. No party disputed any issues of fact or law.
25. On August 27, 2018, Commission Staff recommended final approval of the application.

**I. Conclusions of Law**

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) §§ 13.041 and 13.248.
2. Aqua Water Supply is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. The City is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
4. Public notice of the application was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c) (formerly § 24.117).

5. The Commission processed the application in accordance with the Administrative Procedure Act,<sup>1</sup> TWC, and Commission rules.
6. The application meets the requirements set forth in TWC § 13.248 and 16 TAC § 24.253.
7. Under TWC § 13.257(r) and (s), the City and Aqua Water Supply are each required to record a certified copy of their approved CCN and a map, along with a boundary description of the service areas in the real property records of Bastrop County, 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.

## II. Ordering Paragraphs

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

1. The Commission approves the application.
2. The Commission amends the City's water CCN number 10311 in accordance with this Notice of Approval.
3. The Commission amends Aqua Water Supply's water CCN number 10294 in accordance with this Notice.
4. The Commission's official service area boundary maps for the City and Aqua Water Supply will reflect the changes as shown on the attached map.
5. The City must serve every customer and applicant for service within the area certified under CCN number 10311 and such service must be continuous and adequate.
6. Aqua Water Supply must serve every customer and applicant for service within the area certified under CCN number 10294 and such service must be continuous and adequate.
7. Aqua Water Supply and the City must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Bastrop County affected by the application and submit

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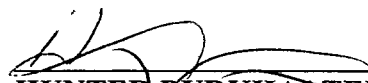
<sup>1</sup> Tex. Gov't Code Ann. §§ 2001.001 through 2001.902 (West 2016 & Supp. 2017).

to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.

8. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

**Signed at Austin, Texas the 20th day of December 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**

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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

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Feet



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

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# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**City of Elgin**

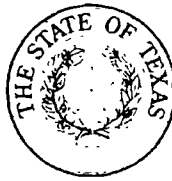
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Elgin is entitled to this

## **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 20<sup>th</sup> day of December 2018.





# **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 20<sup>th</sup> day of December 2018.