

Control Number: 48396



Item Number: 10

Addendum StartPage: 0

RECEIVED

APPLICATION OF THE CITY OF JUSTIN AND AQUA TEXAS, INC. FOR APPROVAL OF SERVICE AREA CONTRACT UNDER TEXAS WATER CODE § 13.248 AND TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN DENTON COUNTY §

PUBLIC UTILITY COMMISSION

2018 SEP 12 PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation.

I. BACKGROUND

On May 29, 2018, the City of Justin (City) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants) filed an application with the Public Utility Commission (Commission) for approval of a service area contract under Tex. Water Code § 13.248 (TWC), to amend Certificate of Convenience and Necessity (CCN) Nos. 10167 (City) and 13201 (Aqua Texas) in Denton County. The total area being requested includes approximately 62 acres and zero customers.

Order No. 2 required that Staff shall file a final recommendation on or before September 14, 2018. Therefore, this pleading is timely filed.

II. STAFF'S FINAL RECOMMENDATION

Staff has reviewed the application and recommends that this application for a CCN amendment be approved. As supported by the memorandum of Sherrie Keylon of the Water Utility Regulation Division at Attachment A, Staff recommends that the application be found to comply with the criteria outlined for CCN amendments in the Texas Water Code § 13.248 (TWC). In accordance with this recommendation, the corresponding map (Attachment B) and certificates (Attachment C) were consented by Aqua Texas on August 31, 2018, and by the City on August 28, 2018, are attached. On or before September 21, 2018, the parties will jointly proposed findings of fact, conclusions of law and ordering paragraphs. Staff further recommends that the Applicants

10

file certified copies of the CCN map along with a written description of the CCN service area in the county clerk's office pursuant to TWC §§ 13.257(r)-(s).

III. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with the above recommendations.

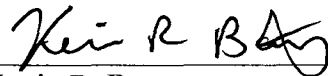
Date: September 12, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

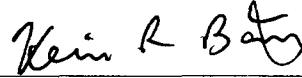


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DOCKET NO. 48396

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on the September 12, 2018 in accordance with 16 TAC § 22.74.

A handwritten signature in black ink that reads "Kevin R. Bartz". The signature is written in a cursive style with a horizontal line underneath it.

Kevin R. Bartz

ATTACHMENT A

Public Utility Commission of Texas
Interoffice Memorandum

TO: Kevin Bartz, Attorney
Legal Division

THRU: Lisa Fuentes, Manager
Water Utility Regulation Division

FROM: Sherrie Keylon, Financial Analyst
Water Utility Regulation Division

DATE: September 12, 2018

SUBJECT: **Docket No. 48396**, *Application of The City Of Justin And Aqua Texas, Inc. For Approval Of Service Area Contract Under Texas Water Code § 13.248 And To Amend Certificates Of Convenience And Necessity In Denton County*

On May 29, 2018, the City of Justin (City) and Aqua Texas Inc., (Aqua Texas) (collectively Applicants) filed an application with the Public Utility Commission (“Commission”) for approval of a service area contract under Tex. Water Code § 13.248 (TWC), to amend Certificates of Convenience and Necessity (CCN) Nos. 10167 (City) and 13201 (Aqua Texas) in Denton County, Texas. The total area being requested includes approximately 62 acres and zero customers.

The Applicants have agreed to transfer a portion of water service area, approximately 62 acres, from Aqua Texas’ CCN No. 13201 to the City of Justin’s CCN No. 10167.

Notice was not required for this application because there are no affected customers in the area subject to the transfer.

The application meets all of the statutory requirements of TWC Chapter 13 and 16 Texas Administrative Code Chapter 24 rules and regulations. Staff recommends approval of the application.

The Applicants consented to the attached map and certificates on August 28, 2018 and August 31, 2018.

Based on the above information, Staff recommends that:

- The application be approved and an order issued; The attached map and certificates be provided to the Applicants.

Staff further recommends that the Applicants file certified copies of the CCN map along with a written description of the CCN service areas in the county clerk’s office pursuant to TWC §§ 13.257 (r)-(s).

ATTACHMENT B

City of Justin
 Portion of Water CCN No. 10167
 PUC Docket No. 48396
 13.248 Agreement Amended CCN No. 10167 and
 Decertified a Portion of Aqua Texas, Inc., CCN No. 13201 in Denton County



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

Water CCN

- 10167 - City of Justin
- 13201 - Aqua Texas Inc
- 12915 - Town of Northlake

0 300 600
Feet



Map by Komal Patel
 Date created August 10, 2018
 Project Path n\finalmapping\
 48396CityofJustin.mxd

ATTACHMENT C



Public Utility Commission Of Texas

By These Presents Be It Known To All That

City of Justin

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 Justin is entitled to this

Certificate of Convenience and Necessity No. 10167

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48396 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 Justin 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

Aqua Texas, Inc.

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 Texas, Inc., is entitled to this

Certificate of Convenience and Necessity No. 13201

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Taylor, Wise and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48396 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 Aqua Texas, Inc., 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.