



Control Number: 48396



Item Number: 11

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DOCKET NO. 48396

2018 SEP 21 AM 10:39

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

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PUBLIC UTILITY COMMISSION
OF TEXAS

FILED CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COME NOW City of Justin (Justin), Aqua Texas, Inc. (Aqua), and the Staff of the Public Utility Commission of Texas (Staff) (collectively Parties), and submit this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 2. In support thereof, the Parties show the following:

I. BACKGROUND

On May 29, 2018, Justin and Aqua (Applicants) filed an application under Texas Water Code §13.248 for approval of a service area contract and to amend their water certificates of convenience and necessity (CCN) in Denton County.

Justin holds CCN No. 10167, and Aqua holds CCN No. 13201. The Applicants, by mutual agreement, seek approval to alter the boundaries of the certificates and transfer one separate affected service area comprising 62 acres and 0 current customers from Aqua to Justin. There is no transfer of assets or facilities between the Applicants.

The application was filed pursuant to Texas Water Code § 13.248 and 16 Tex. Admin. Code (TAC) § 24.117. Order No. 2, issued by the Commission Administrative Law Judge (ALJ) on July 2, 2018, established a deadline of September 21, 2018, for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The parties request the entry of the following into the record of this proceeding:

1. The Application, filed on May 29, 2018 (AIS Item No. 1);
2. Notice of Application of Service Area Contract, issued on June 4, 2018 (AIS Item No. 3) and published in the *Texas Register* on June 15, 2018 (43 Tex. Reg. 3942);

3. Additional information requested from Aqua, filed on June 20, 2018 (AIS Item No. 5);
4. Staff's Recommendation on Sufficiency of Application and Notice, filed on June 29, 2018 (AIS Item No. 6);
5. Justin's executed consent form, filed on August 28, 2018 (AIS Item No. 8);
6. Aqua's executed consent form, filed on August 31, 2018 (AIS Item No. 9); and,
7. Staff's Recommendation on Final Disposition and supporting documentation, filed on September 12, 2018 (AIS Item No. 10).

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant the Application. Also attached are the final map and certificate that were included in Staff's final recommendation.

IV. CONCLUSION

Staff and Aqua have agreed that Justin is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

Dated: September 21, 2018

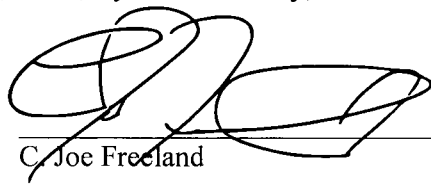
Respectfully submitted,



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ATTORNEYS FOR CITY OF JUSTIN

CERTIFICATE OF SERVICE

I certify that a copy of the preceding document was served on all parties of record in this proceeding on this 21st day of September, 2018, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.



C. Joe Freeland

DOCKET NO. 48396

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

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Justin (Justin) and Aqua Texas, Inc. (Aqua) (collectively Applicants) for approval and enforcement of a service area contract to amend their water certificates of convenience and necessity (CCN) Nos. 10167 and 13201, respectively, in Denton County, under Texas Water Code §13.248 and 16 TAC § 24.117. The Staff of the Public Utility Commission (Commission Staff) recommended approval of the application. Consistent with Commission Staff's recommendation, the application is approved.

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

I. FINDINGS OF FACT

Procedural History and Background

1. Justin holds water certificate of convenience and necessity (CCN) No. 10167.
2. Aqua holds water certificate of convenience and necessity (CCN) No. 13201.
3. On May 29, 2018, Justin and Aqua filed an application under Texas Water Code §13.248 for approval of an agreement to transfer service area between the applicants to transfer one separate affected service area comprising 62 acres and 0 current customers from Aqua's water CCN No. 13201 to Justin's water CCN No. 10167. There is no transfer of assets or facilities between the Applicants.
4. On June 4, 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 administrative completeness and notice, requesting a procedural schedule, and addressing other procedural matters.

5. On June 20, 2018, Aqua provided a response to the information requested in Order No. 1.
6. On June 29, 2018, Commission Staff filed its recommendation on sufficiency and a proposed procedural schedule.
7. On July 2, 2018, Order No. 2 was issued, finding the application administratively complete and notice as published in the Texas Register on June 15, 2018 sufficient.
8. On August 17, 2018, Commission Staff provided final maps, and certificates to the Applicants for review and consent.
9. On August 28, 2018, Justin filed a consent form to the CCN service area map and CCN certificate as prepared by Commission Staff.
10. On August 31, 2018, Aqua filed a consent form to the CCN service area map and CCN certificate as prepared by Commission Staff.
11. On September 12, 2018, Commission Staff filed a final recommendation for approval of the application to which Staff attached the final map and certificate.
12. On September 21, 2018, Applicants and Commission Staff filed a joint motion to admit evidence and notice of approval. The final map and CCN certificate referenced in Finding of Fact No. 11 are attached to this Notice.
13. On _____, 2018, Order No. 6 was issued, admitting evidence into the record of this proceeding.

Notice

14. On June 15, 2018, notice of the application was published in the *Texas Register*.
15. No additional notice was required.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. There were no protests or hearing requests filed in response to the public notice.
18. Justin, 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. Justin and Aqua are retail public utilities as defined in Texas Water Code (TWC) § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).

2. The Commission has jurisdiction over the application pursuant to TWC §§ 13.041, 13.241, and 13.248 and 16 TAC §§ 24.117.
3. Public notice of the application was provided in compliance with TWC § 13.248 and 16 TAC § 24.117.
4. The application was processed in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.
5. After considering the factors in TWC § 13.248, Justin and Aqua 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).
6. Approval of the application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Under TWC § 13.257(r) and (s), Justin and Aqua 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 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. The application is approved.
2. Justin's water CCN No. 10167 is hereby amended consistent with this Notice.
3. Aqua's water CCN No. 13201 is hereby amended consistent with this Notice.
4. Justin shall serve every customer and applicant for service within the approved area under water CCN No. 10167 and such service shall be continuous and adequate.

¹ Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

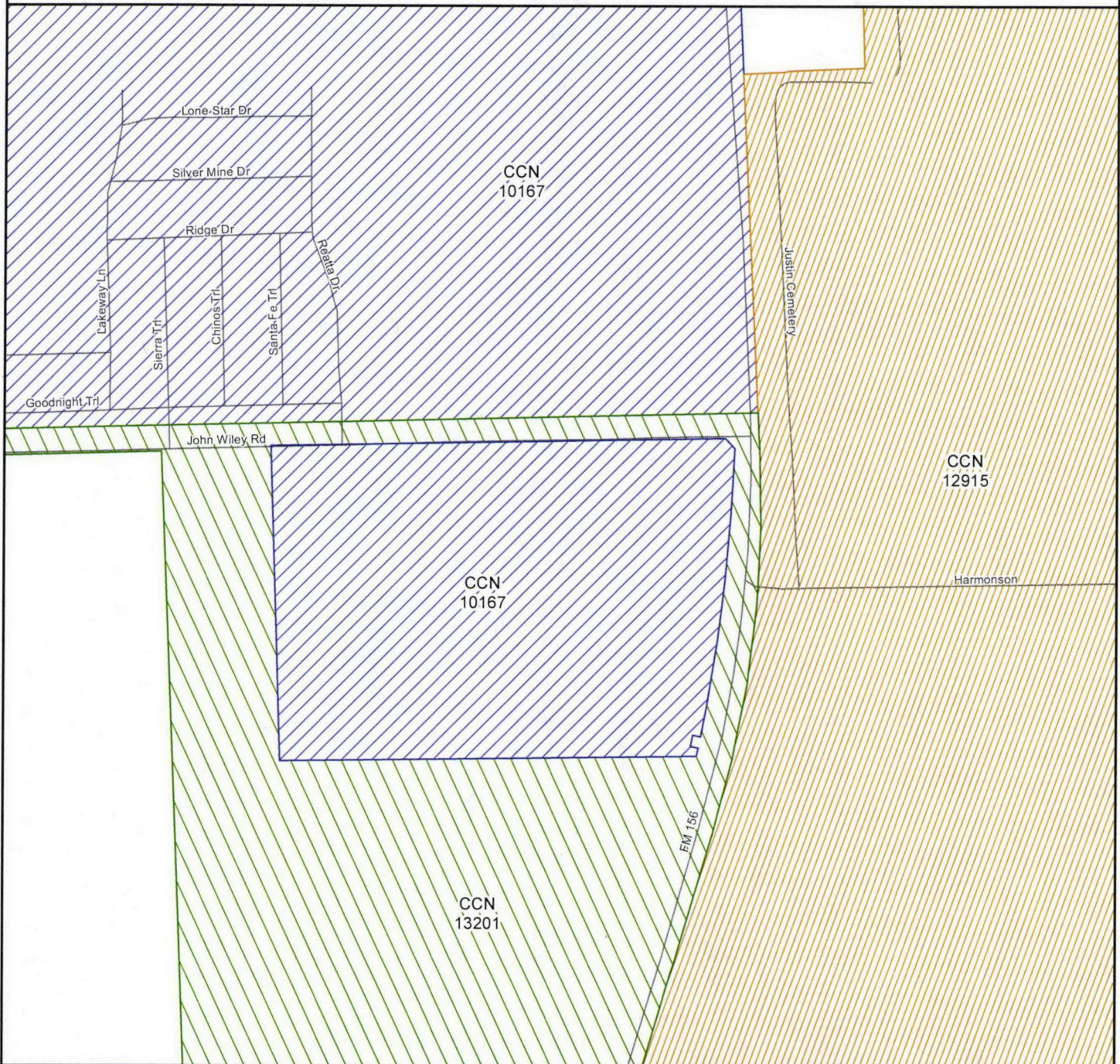
5. Aqua shall serve every customer and applicant for service within the approved area under water CCN No. 13201 and such service shall be continuous and adequate.
6. The Parties shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Denton County affected by the application 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 _____, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS




ADMINISTRATIVE LAW JUDGE

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



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.