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DOCKET NO. 48396

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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

OF TEXAS

COMMISSION FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of the City of Justin and Aqua Texas, Inc. (applicants) for approval of a service area contract to amend their water certificates of convenience and necessity (CCN) in Denton County. The Commission approves the amendment.

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

I. Findings of Fact

Applicants

1. The City of Justin is a municipality that provides water service under CCN number 10167 in Denton County.
2. Aqua Texas, Inc. is a Texas corporation registered with the Texas secretary of state under file number 800304878.
3. Aqua Texas provides water service under CCN number 13201 in Denton County.
4. Aqua Texas is a wholly-owned subsidiary of Aqua America, Inc.

Application

5. On May 29, 2018, applicants filed an application for approval of a service area contract to amend their CCNs to transfer 62 acres of water service area from Aqua Texas to the City of Justin.
6. There are no transfers of assets or facilities between the applicants.
7. There are no current customers.
8. B&M Properties, Joint Venture has requested retail water utility service from the City of Justin

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for the service area within Aqua Texas's CCN but immediately adjacent to the City of Justin's CCN.

9. In Order No. 2 issued on July 2, 2018, the administrative law judge (ALJ) deemed the application administratively complete.
10. On August 28, 2018, the City of Justin filed a form concurring with the maps and certificate as prepared by Commission Staff.
11. On August 31, 2018, Aqua Texas filed a form concurring with the maps and certificate as prepared by Commission Staff.

Notice

12. On January 29, 2018, the Justin City Council considered and approved the contract.
13. On June 15, 2018, notice of the application appeared in the *Texas Register*.
14. In Order No. 2 issued on July 2, 2018, the ALJ found the notice sufficient.

Evidentiary Record

15. On October 8, 2018, the ALJ issued Order No. 3, admitting the following evidence into the record of this proceeding: Application of the City of Justin and Aqua Texas Inc. and all attachments filed May 29, 2018; notice of application issued on June 4, 2018 and published in the *Texas Register* on June 15, 2018; Aqua Texas's response to Order No. 1 filed June 20, 2018; Commission Staff's recommendation on sufficiency of application and notice filed June 29, 2018; the City of Justin's consent form filed August 28, 2018; Aqua Texas's consent form filed August 31, 2018; and Commission Staff's final recommendation and all attachments thereto filed September 12, 2018.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. Commission Staff, the City of Justin, and Aqua Texas are the only parties to this proceeding.
18. No issues of fact or law remain disputed by any party.
19. Commission Staff recommended approval of the application.

II. Conclusions of Law

1. The City of Justin and Aqua Texas 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 under TWC §§13.041, and 13.248.
3. Public notice of the application complies with TWC § 13.248 and 16 TAC § 24.253(c)(2) and (3).
4. The application was processed in accordance with the TWC and Commission rules.
6. 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.
7. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

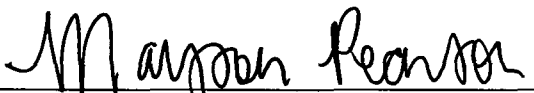
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends the City of Justin's water CCN No. 10167 as described in this notice.
2. The Commission amends Aqua Texas's water CCN No. 13201 as described in this notice.
3. The Commission's official service area boundary maps for Aqua Texas and the City of Justin will reflect the changes as provided in the attached map.
4. The City of Justin must serve every customer and applicant for service within the approved area under water CCN No. 10167 that requests water service and such service must be continuous and adequate.
5. The City of Justin must comply with the recording requirements in TWC § 13.257 (r) and (s) for the area in Denton County affected by the application and this Notice and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.

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

Signed at Austin, Texas the 6th day of December 2018.

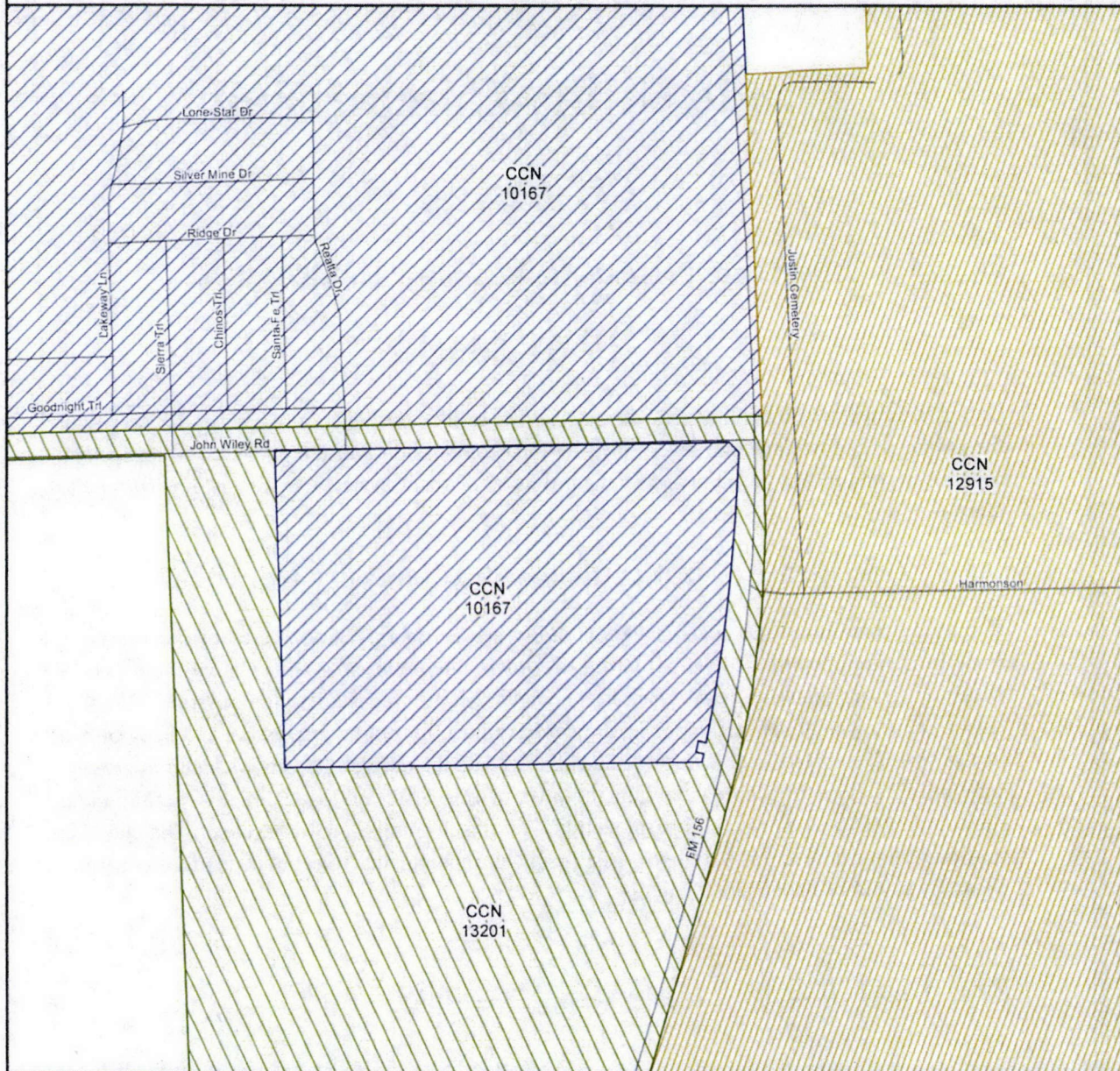
PUBLIC UTILITY COMMISSION OF TEXAS



MAYSON PEARSON
ADMINISTRATIVE LAW JUDGE




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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

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 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 6th day of December 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 6th day of December 2018.