



Control Number: 48437



Item Number: 12

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APPLICATION OF THE CITY OF §
 EDINBURG TO AMEND A WATER §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY UNDER TWC §
 13.255 AND TO DECERTIFY A §
 PORTION OF SHARYLAND WATER §
 SUPPLY CORPORATION'S SERVICE §
 AREA IN HIDALGO COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 SEP 27 PM 1:54
 PUBLIC UTILITY COMMISSION
 FILING CLERK

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW, City of Edinburg (Edinburg) and Sharyland Water Supply Corporation (Sharyland) (collectively, the Applicants), together with the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On June 6, 2018, the Applicants filed an application to amend the water certificates of convenience and necessity (CCNs) for Edinburg and Sharyland inside the city limits of Edinburg in Hidalgo County, Texas. The application was filed under Texas Water Code Ann. (TWC) § 13.255(a) (West 2008 & Supp. 2017). Edinburg holds water CCN No. 12106 and Sharyland holds water CCN No. 10558. Edinburg and Sharyland have agreed to amend their respective CCNs to transfer a portion of certified area from Sharyland to Edinburg (Water Code § 13.255(a) Agreement). Prior to approval of this Water Code § 13.255(a) Agreement, Edinburg and Sharyland each approved items during the public meetings of their respective governing bodies at which this Agreement was discussed and approved.

Currently, there are 104 active connections in the CCN area in question, with a total capacity of 109 connections. Edinburg has historically served the customers in question. On June 12, 2018, the Commission issued notice of Applicants' application. On July 6, 2018, Staff filed a recommendation that the application be found administratively complete. Order 2, issued on July 12, 2018, found the application administratively complete and set a procedural schedule,

including the requirement that the parties file joint findings of fact and conclusions of law by September 27, 2018. Order 2 also found the notice sufficient. No hearing has been requested.

II. JOINT MOTION TO ADMIT EVIDENCE

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

1. Application, filed on June 6, 2018;
2. Notice for *Texas Register*, filed on June 12, 2018;
3. Edinburg's supplemental information, filed on June 28, 2018;
4. Edinburg's consent form to the final map and certificates, filed on September 11, 2018;
5. Sharyland's consent form to the final map and certificates, filed on September 13, 2018; and
6. Commission Staff's recommendation that the Application be approved, along with the attached final map and certificates, filed September 19, 2018.

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval included as Attachment A, which would approve the Application to amend water CCN Nos. 12106 (Edinburg) and 10558 (Sharyland) in Edinburg in Hidalgo County, Texas.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Joint Proposed Notice of Approval.

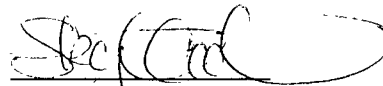
Date: September 27, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

Katherine Lengieza Gross
Managing Attorney



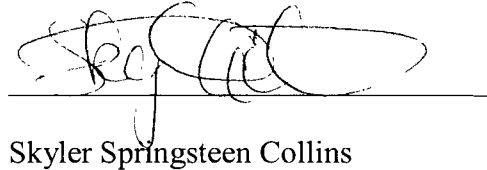
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 27, 2018, in accordance with 16 TAC § 22.74.



Skyler Springsteen Collins

Attachment A

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
EDINBURG TO AMEND A WATER	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY UNDER TWC §	§	
13.255 AND TO DECERTIFY A	§	
PORTION OF SHARYLAND WATER	§	
SUPPLY CORPORATION'S SERVICE	§	
AREA IN HIDALGO COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Edinburg, Texas (Edinburg) and Sharyland Water Supply Corporation (Sharyland) (collectively, the Applicants), pursuant to Texas Water Code Ann. (TWC) § 13.255(a) (West 2008 & Supp. 2017), to amend their water certificates of convenience and necessity (CCNs) to transfer a portion of certificated area from Sharyland to Edinburg. The Staff (Staff) of the Public Utility Commission of Texas (Commission) recommended approval of this application on September 19, 2018. The application is approved.

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

I. FINDINGS OF FACT

Procedural History

1. On June 6, 2018, Applicants filed with the Commission an application pursuant to Texas Water Code Ann. (TWC) § 13.255 (West 2008 & Supp. 2017) to amend their respective CCNs to transfer a portion of certified area from Sharyland to Edinburg.
2. On June 12, 2018, Order No. 1 was issued, requiring that Staff make a recommendation on administrative completeness and notice and propose a procedural schedule.
3. On June 22, 2018, notice of the application to amend Edinburg and Sharyland's water CCNs was published in the *Texas Register*.
4. On June 28, 2018, Edinburg filed supplemental information in response to Order No. 1.
5. On July 6, 2018, Commission Staff filed a recommendation on administrative completeness, recommending that the application be deemed administratively complete and that notice be found sufficient.

6. On July 12, 2018, Order No. 2 was issued, deeming the application administratively complete, finding notice sufficient, and establishing September 27, 2018, as the deadline for filing a joint proposed notice of approval, including findings of fact and conclusions of law, if no hearing was requested.
7. On September 11, 2018, Edinburg filed a consent form to the final map and CCNs that Staff transmitted by email on September 4, 2018.
8. On September 13, 2018, Sharyland filed a consent form to the final map and CCNs that Staff transmitted by email on September 4, 2018.
9. On September 19, 2018, Commission Staff filed a final recommendation that the application be approved.
10. On September 27, 2018, the parties filed a joint motion to admit the following evidence into the record of the proceeding: (a) Application filed on June 6, 2018 (Filing No. 1); (b) Notice for Texas Register, filed on June 12, 2018 (Filing No. 3); (c) Supplemental information from Edinburg, filed on June 28, 2018 (Filing No. 5); (d) consent forms from Edinburg and Sharyland regarding the final map and certificates, filed September 11, 2018, and September 13, 2018 (Filing Nos. 9 and 10); and (e) Commission Staff's recommendation that the application be approved, along with the attached final map and certificates, filed September 19, 2018 (Filing No. 11).
11. On September 27, 2018, the parties filed a joint proposed notice of approval.
12. The final maps and CCN certificates referenced in Findings of Fact No. 8 and 9 are attached to this Notice of Approval.

Notice

13. Notice was published in the Texas Register on June 22, 2018.
14. Prior to approval of their TWC § 13.255(a) Agreement, Edinburg and Sharyland each held noticed public meetings of their respective governing bodies at which this Agreement was discussed and approved.

Evidentiary Record

15. On _____, Order No. ____ was issued, admitting evidence into the record of this proceeding.

Description of the Application

16. Edinburg and Sharyland have agreed to transfer a portion of Sharyland's CCN No. 10558 to Edinburg's CCN No. 12106.

Informal Disposition

17. More than 15 days have passed since the completion of the notice provided in this docket.

18. Applicants and Commission Staff are the only parties to this proceeding.

19. No issues of fact or law remain disputed by any party.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to TWC § 13.255.

2. Edinburg and Sharyland are each a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).

3. Edinburg owns and operates a municipally owned utility as defined in TWC § 13.002(13).

4. Notice of the application was provided in compliance with 16 TAC § 24.120.

5. The application meets the requirements set forth in TWC § 13.255(a) and 16 TAC § 24.120.

6. After considering the factors in TWC § 13.255(a) and 16 TAC § 24.120, Edinburg and Sharyland are entitled to approval of their agreement to transfer Sharyland's CCN area to Edinburg, having demonstrated that the service area requested in this application is within Edinburg's corporate limits and having provided a copy of the agreement between Edinburg and Sharyland which states that Edinburg may serve all of the requested area, consistent with TWC § 13.255(a).

7. Under TWC § 13.257(r)-(s) and 16 TAC § 24.106(e), Edinburg and Sharyland 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.

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. Edinburg's water CCN No. 12106 is hereby amended, consistent with this Notice.
3. Edinburg shall serve every customer and applicant for service within the areas certified under CCN No. 12106, and such service shall be continuous and adequate.
4. Edinburg shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Edinburg affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. Sharyland's water CCN No. 10558 is hereby amended, consistent with this Notice.
6. Sharyland shall serve every customer and applicant for service within the areas certified under CCN No. 10558, and such service shall be continuous and adequate.
7. Sharyland shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Edinburg affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
8. 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 on the _____ day of _____, 201____.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE