



Control Number: 48506



Item Number: 24

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APPLICATION OF THE CITY OF  
CELINA TO AMEND A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN COLLIN  
COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**AGREED MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

COMES NOW the Staff of the Public Utility Commission of Texas (“Staff”) and files this Agreed Motion to Admit Evidence and Proposed Notice of Approval, with agreement from the City of Celina (City) (together the “Parties”). In support thereof, the Parties show the following:

**I. BACKGROUND**

On July 3, 2018, the City of Celina (City) filed an application to amend its water Certificate of Convenience and Necessity No. 20764 in Collin County.

Staff filed a final recommendation of approval on January 18, 2019.

**II. AGREED MOTION TO ADMIT EVIDENCE**

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

- The City’s application for a CCN amendment, filed on July 3, 2018, as supplemented on November 13, 2018.
- The notices, affidavits, and proof of notice, filed on October 2, 2018.
- The consent forms to the final map and certificate, filed on December 17, 2018.
- Commission Staff’s Final Recommendation that the Application be approved, filed on January 18, 2019.

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### III. JOINT PROPOSED NOTICE OF APPROVAL

Staff and the City have agreed on the attached Joint Proposed Notice of Approval to grant the City's Application to amend water CCN No. 20764. Also attached are the certificate and map from Staff's final recommendation.

### IV. CONCLUSION

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

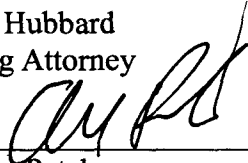
Dated: March 6, 2019

Respectfully Submitted,

#### PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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Division Director

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Managing Attorney

  
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#### DOCKET NO. 48506 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 6, 2019, in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Alexander Petak

**DOCKET NO. 48506**

**APPLICATION OF THE CITY OF § PUBLIC UTILITY COMMISSION  
CELINA TO AMEND A SEWER §  
CERTIFICATE OF CONVENIENCE § OF TEXAS  
AND NECESSITY IN COLLIN §  
COUNTY §  
§**

**PROPOSED NOTICE OF APPROVAL**

This Proposed Notice of Approval addresses the application of the City of Celina (City) to amend water certificate of convenience and necessity (CCN) No. 20764 in Collin County. The Commission approves the application, as amended.

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

**I. FINDINGS OF FACT**

**Applicant**

1. The City is a Municipally-owned utility that provides sewer service to approximately 1,580 customers.
2. The City holds CCN No. 20764 for a service area of approximately 13,946 acres.

**Application**

2. On July 3, 2018, the City filed an application to amend its water CCN number 20764 in Collin County.
3. The City seeks to conform the boundaries of its CCN to areas it serves. The proposed amendment adds 28,806 acres and 2,000 customers.
4. On July 11, 2018 Commission Staff issued Order No. 1 to establish a deadline of August 3, 2018 to file comments on administrative completeness of the application and notice and propose a procedural schedule.

5. In Order No. 2, issued on August 6, 2018, the administrative law judge (ALJ) found the application administratively complete and required the City to provide notice, a map with each notice and file signed affidavits attesting that notice was issued, listing each entity and person to whom notice was issued, along with a copy of the actual notice and map, within 30 days of the date of notice and the last publication date.
7. On October 2, 2018 TRC Engineers Inc., on behalf of the City, filed proof of notice.
8. In Order No. 3 the ALJ found the notices sufficient and established a procedural schedule on October 11, 2018.
9. On November 13, 2018 the City filed revised mapping and digital data from landowners who requested to opt out from the requested service area in response to an Amended Procedural Schedule issued by the Commission Staff on October 12, 2018. The revised area includes 28,382 acres.
10. On December 17, 2018, the City filed a signed consent form concurring with the CCN service area map and certificate prepared by Commission Staff.

**Adequacy of Service**

11. The City does not serve customers in the requested area, because they are currently running on private septic systems.

**Need for Service**

12. Both economical and environmental factors drive the need for services in the requested area. The City had projected an increase in population growth in the near future.

**Effect of Granting the Retail Public Utility Amendment**

13. The areas that currently do not have sewer services will be provided with sewer upon future growth, and the City assumes responsibility for infrastructure, construction and maintenance.

**Ability to Provide Adequate Service**

14. The City has a Texas Commission on Environmental Quality (TCEQ) approved Waste Water Treatment Plant (WWTP) that adequately provides treatment to the City's current

waste water conditions, and therefore has the experience to continue providing adequate retail services.

**Feasibility of Obtaining Service from Adjacent Retail Public Utility**

15. It is not feasible for an adjacent utility to provide service to the requested area because the City will be providing service in the area requested upon future growth.

**Financial Ability to Pay for Facilities and Financial Stability**

16. The applicant meets the debt service coverage ration with a ratio of 1.48 and has sufficient unrestricted cash reserves as a cushion to pay debt service as they become due.

**Environmental Integrity**

17. Environmental integrity of the land will be minimally effected by construction.

**Effect on the Land**

18. Minimal impacts are foreseen with future growth and development from excavation to install sewer services.

**Improvement of Service or Lowering of Costs**

19. Sewer service will now be available to customers in the requested area.

**Notice**

20. Notice of the application appeared in the July 27, 2018, issue of the *Texas Register*.
21. On October 2, 2018, the City filed a list of addresses of affected parties that were sent notice, an affidavit of notice to current customers, landowners, neighboring utilities, and affected parties sent on August 27, 2018, and a publisher's affidavit affirming that notice was published in *The Celina Record* in Collin County on September 7, 2018 and September 14, 2018.
22. In Order No. 3, issued October 11, 2018, the ALJ deemed notice sufficient.

**Evidentiary Record**

23. On \_\_\_\_\_, Commission Staff and the City filed an agreed motion to admit certain evidence in this proceeding.

24. In Order No. \_\_\_, issued March \_\_\_, 2019, the ALJ admitted the following evidence into the record: (1) The City's application for a CCN amendment, filed on July 3, 2018, as supplemented on November 13, 2018; (2) The notices, affidavits, and proof of notice, filed on October 2, 2018; (3) The consent forms to the final map and certificate, filed on December 17, 2018; and (4) Commission Staff's Final Recommendation that the Application be approved, filed on January 18, 2019.

**Informal Disposition**

25. More than 15 days have passed since the completion of the notice provided in this docket.
26. The City and Commission Staff are the only parties to this proceeding.
27. No protests, motions to intervene or requests for hearing were filed.
28. There are no disputed issues of fact; therefore, a hearing is not necessary.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) §§ 13.241, 13.244 and 13.246.
2. The City is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Notice of the application complies with TWC § 13.246 and 16 TAC § 24.235.
4. The application was processed in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission Rules.
5. The City has 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 and 16 TAC § 24.227.
6. The amendment to CCN No. 20764 is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246
7. Under TWC § 13.257(r) and (s), The City is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area, in the real

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<sup>1</sup> Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

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 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 order:

1. The Commission approved the application as supplemented.
2. The Commission amends the City's CCN No. 20764 in accordance with this Notice.
3. The Commission's official service area boundary maps for the City shall reflect this change as shown in the attached map.
4. The City must serve every customer and applicant for service within the area certificated under CCN No. 20764, and such service shall be continuous and adequate.
5. The City must comply with the recording requirements in TWC § 13.257(r) for the area in Collin County affected by the application 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 requests for general or specific relief, if not expressly granted.

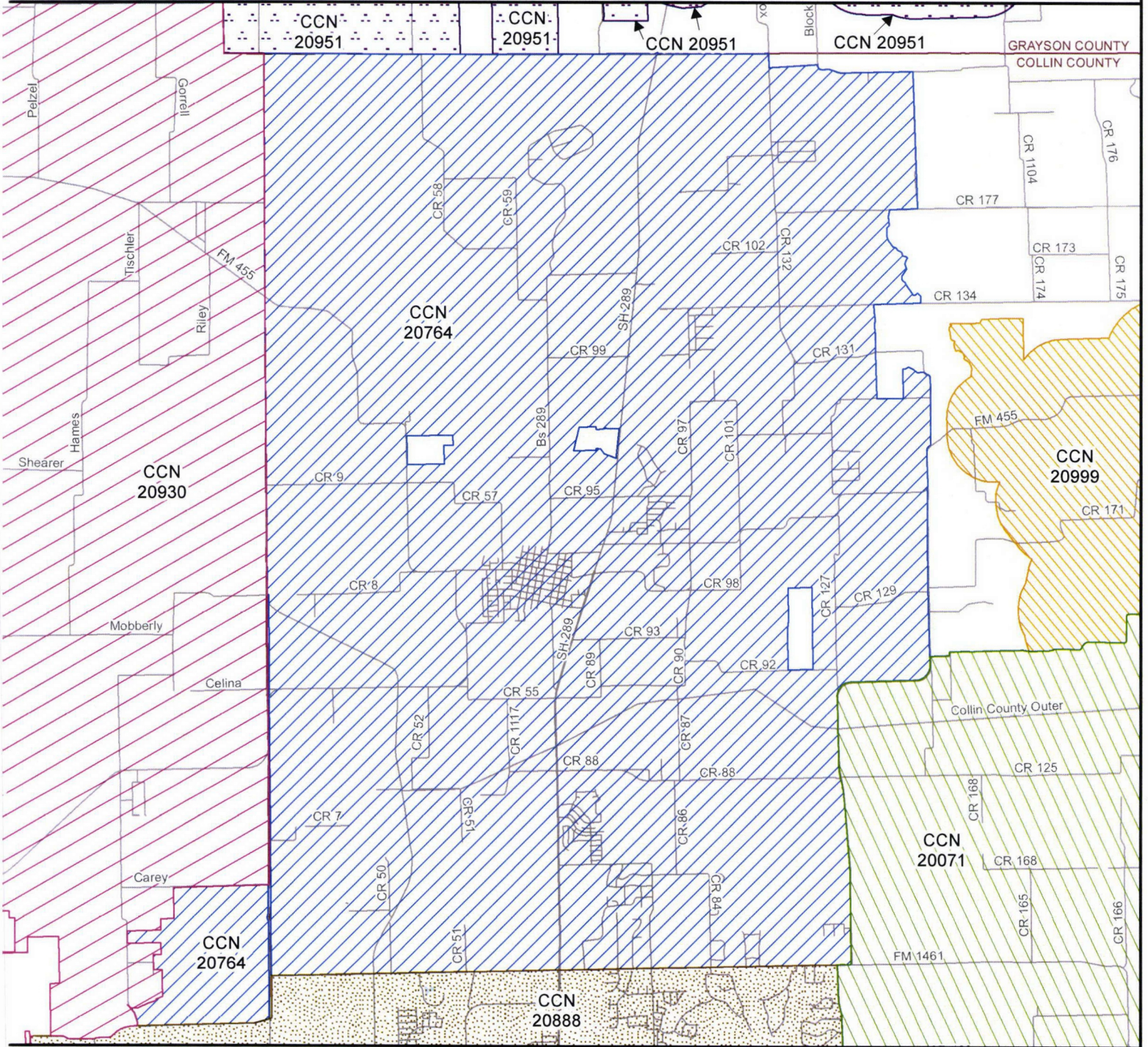
**SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**







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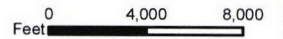


City of Celina  
 Sewer CCN No. 20764  
 PUC Docket No. 48506  
 Amended CCN No. 20764 in Collin County



**Sewer CCN**

-  20764 - City of Celina
-  20951 - City of Gunter
-  20999 - City of Weston
-  20071 - City of McKinney
-  20888 - City of Prosper
-  20930 - Mustang SUD





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That  
City of Celina**

having obtained certification to provide sewer 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 Celina is entitled to this

## **Certificate of Convenience and Necessity No. 20764**

to provide continuous and adequate sewer utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48506 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 City of Celina, 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.