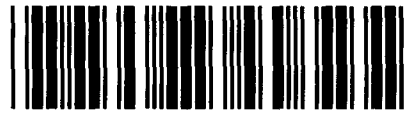


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APPLICATION OF CS WATER §  
CORPORATION (FORMERLY KNOWN §  
AS CEDAR SHORES WATER §  
CORPORATION) FOR A CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
NAME CHANGE §

RECEIVED  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION**

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2, Staff’s Recommendation on Final Disposition. Staff recommends that the application be approved. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 25, 2018, CS Water Corporation, formerly known as Cedar Shores Water Corporation (CS Water), filed an application for a name change amendment to its water Certificate of Convenience and Necessity (CCN) No. 11441. CS Water seeks to change the corporate or assumed name on CCN No. 11441 from Cedar Shores Water Corporation to CS Water Corporation. CS Water included with its application a certificate of amendment from the Texas Secretary of State effectuating this name change, as well as an affidavit in support of the application.

On August 10, 2018, the Commission published notice of CS Water’s application in the *Texas Register*.<sup>1</sup> On August 6, 2018, Order No. 2 was issued finding CS Water’s application administratively complete and requiring Staff to file a recommendation on final disposition by September 18, 2018. Therefore, this pleading is timely filed.

**II. LEGAL AUTHORITY**

The Commission has general authority pursuant to Texas Water Code (TWC) § 13.041(a) to regulate and supervise the business of each water and sewer utility within its jurisdiction and furthermore “may do all things, whether specifically designated in this chapter or implied in this

<sup>1</sup> See Acknowledgement of Receipt (July 30, 2018).

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chapter, necessary and convenient to the exercise of these powers and jurisdiction.” Furthermore, although applicable specifically in the telecommunications context, 16 Texas Administrative Code (TAC) §§ 26.101(d) and (e) are informative of how the Commission reviews changes to the corporate or assumed name of a CCN holder. In the absence of an applicable rule for the water and sewer context, Staff proposes to use those regulations as guidance for water and sewer CCN name changes until such time as a rule specific to the water and sewer context is promulgated.<sup>2</sup>

### III. RECOMMENDATION ON FINAL DISPOSITION

As indicated in the attached memorandum of Sherrie Keylon of the Commission’s Water Utility Regulation Division (Attachment A), Staff has reviewed CS Water’s application, which seeks a change in the corporate name of the CCN holder from Cedar Shores Water Corporation to CS Water Corporation for water CCN No. 11441. CS Water provided the following information in its application: a copy of the Certificate of Amendment from the Texas Secretary of State, the form of business, any assumed name, the certification number, the date that the business was registered, and an affidavit in support of such information.<sup>3</sup> Furthermore, Staff has reviewed the Commission’s database and concludes that the name CS Water is not deceptive, misleading, vague, inappropriate, confusing, or duplicative of an existing certificated utility.<sup>4</sup> For these reasons, Staff recommends that CS Water’s application be approved. An amended certificate reflecting the new corporate name is included as Attachment B.

### IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that CS Water’s application be approved and accordingly that the corporate name of the CCN holder on water CCN No. 11441 be amended to read CS Water Corporation. Staff will coordinate with CS Water’s representative to file a joint proposed order by September 28, 2018.

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<sup>2</sup> See e.g. *Cross Timbers Water Supply Corporation’s (Formerly Bartonville Water Supply Corporation) Request for a CCN Name Change*, Docket No. 48128 (June 14, 2018) (in which the Commission approved Bartonville Water Supply Corporation (WSC) to change the corporate name on its water certificate of convenience and necessity to Cross Timbers WSC).

<sup>3</sup> See Application (July 25, 2018). This information is similar to what would be required in a telecommunications CCN name-change docket under 16 Tex. Admin. Code § 26.101(d)(1) (TAC).

<sup>4</sup> This standard is similar to what would be reviewed in a telecommunications CCN name-change docket under 16 TAC § 26.101(d)(2).

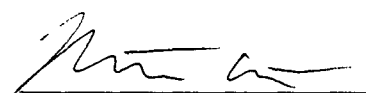
Date: September 17, 2018

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. 48545  
CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record in this proceeding on September 17, 2018 in accordance with the requirements of 16 TAC § 22.74.

  
Matthew A. Arth

# **Attachment A**

Staff Memorandum

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Matthew Arth, Attorney  
Legal Division

**THROUGH:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**FROM:** Sherrie Keylon, Financial Analyst  
Water Utility Regulation Division

**DATE:** September 11, 2018

**SUBJECT:** Docket No. 48545: *Application of CS Water Corporation (Formerly known as Cedar Shores Water Corporation) For A Certificate of Convenience and Necessity Name Change*

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## **Recommendation**

On July 25, 2018, Cedar Shores Water Corporation (Cedar Shores or Applicant) filed an application for a name change amendment to its water Certificate of Convenience and Necessity (CCN) No. 11441. Cedar Shores would like to change the name on its water CCN to CS Water Corporation (CS Water). Cedar Shores included with its application a certificate of amendment from the Secretary of State effectuating this name change.

Order No. 1, *Requiring Comments on Sufficiency of Application and Notice; Addressing Other Procedural Matters*, was issued on July 27, 2018. On August 2, 2018, Commission Staff (Staff) filed its recommendation regarding administrative completeness. Order No. 2, *Addressing Application Sufficiency and Notice; and Establishing Procedural Schedule*, was issued on August 6, 2018, and deemed the application administratively complete.

Although applicable specifically in the telecommunications context, 16 Tex. Admin. Code (TAC) §§ 26.101(d) and (e) are informative of how the Commission reviews CCN name changes. In the absence of an applicable rule for the water and sewer context, Staff proposes to mirror those requirements for water and sewer CCN holders until such time as a rule specific to the water and sewer context is promulgated.

Pursuant to 16 TAC § 26.101(e)(1)(A), a person or entity granted a CCN by the Commission is required to file an application to amend the CCN in order to change the corporate

name or assumed name of the certificate holder. Cedar Shores has met this requirement by filing an application for a name change amendment to its water CCN No. 11441.

Pursuant to 16 TAC § 26.101(d)(1), an applicant must provide certain information from its registration with the Office of the Secretary of State or from its corporate registration in another state or county. The required information includes: (1) form of business; (2) any assumed name; (3) certification/file number; and (4) date the business was registered. Subsection 26.101(d)(2) further specifies that the requested name may not be deceptive, misleading, vague, inappropriate, confusing, or duplicative of an existing certificated utility. Staff has reviewed Cedar Shores' application and concludes that the Applicant provided all the information required by 16 TAC § 26.101(d)(1) and therefore meets such requirements. Additionally, after a review of the Commission's database, Staff concludes that the name "CS Water Corporation" does not violate Subsection 26.101(d)(2) and is therefore acceptable.

Based on Staff's review of Cedar Shores' application and its certificate of amendment, Staff recommends that the application to amend CCN No. 11441 to reflect a name change to CS Water Corporation be approved.

# **Attachment B**

Amended Certificate





# Public Utility Commission Of Texas

**By These Presents Be It Known To All That**

## **CS Water Corporation**

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, CS Water Corporation, is entitled to this

### **Certificate of Convenience and Necessity No. 11441**

to provide continuous and adequate water utility service to that service area or those service areas in Bosque County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48545 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 CS Water Corporation, 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.