



Control Number: 48561



Item Number: 14

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DOCKET NO. 48561

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BEFORE THE

PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF WEST TRAVIS §  
COUNTY PUBLIC UTILITY AGENCY §  
AND THE CITY OF AUSTIN FOR §  
APPROVAL OF SERVICE AREA §  
CONTRACT UNDER TEXAS WATER §  
CODE § 13.248 AND TO AMEND §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY IN TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

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

COMES NOW, the West Travis County Public Utility Agency (the “*PUA*”) and the City of Austin, Texas (the “*City*”), together with the staff (“*Staff*”) of the Public Utility Commission (“*Commission*”), representing the public interest, collectively, the “*Parties*,” and files this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

**I. BACKGROUND**

On July 31, 2018, the PUA and the City (collectively, the “*Applicants*”) filed an application (“*Application*”) at the Commission under Texas Water Code § 13.248 and 16 Texas Administrative Code (TAC) § 24.117 (later renumbered to 16 TAC § 24.253), for approval of a service area contract and to amend their water certificates of convenience and necessity (“*CCN*”) in Travis County. The City holds water CCN No. 11322, and the PUA holds water CCN No. 13207. The Applicants, by mutual agreement, seek approval to alter the boundaries and transfer affected certificated water CCN areas comprising 10.734 acres and 0 current customers. No City water facilities are currently located in the area proposed for transfer.

On September 10, 2018, the Administrative Law Judge issued his Order No. 3 in this matter, Addressing Sufficiency of Application and Notice and Establishing Procedural Schedule,

which required that the Parties file joint proposed findings of fact, corresponding conclusions of law, and ordering paragraphs by December 14, 2018. This pleading is therefore timely filed.

## **II. JOINT MOTION TO ADMIT EVIDENCE**

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

1. The Application, as filed on July 31, 2018, and supplemented on August 29, 2018 (Commission Interchange Item Nos. 1 and 8 in this Docket);
2. Public notice of Application issued on August 6, 2018 and published in the *Texas Register* on August 17, 2018;
3. The PUA's Response to Order No. 1, filed on August 13, 2018 (Commission Interchange Item No. 5 in this Docket);
4. Commission Staff's Recommendation on Sufficiency, filed September 6, 2018, recommending no additional notice and that the application be found administratively complete (Commission Interchange Item No. 9 in this Docket);
5. The PUA's consent to the final map and certificates, filed on November 19, 2018 (Commission Interchange Item No. 11 in this Docket);
6. The City's consent to the final map and certificates, filed on November 30, 2018 (Commission Interchange Item No. 12 in this Docket); and
7. Commission Staff's Final Recommendation, recommending that the Application be approved, along with the attached final maps and certificates, filed December 6, 2018 (Commission Interchange Item No. 13 in this Docket).

### III. PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval, attached hereto as **Attachment A**, which would approve the Application to amend water CCN Nos. 11322 and 13207 in Travis County, Texas. The PUA has provided a copy of this filing with the attorney for the City of Austin; and such attorney has indicated that the City supports this filing, as written, as well as approval of the Application.

### IV. CONCLUSION

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

Respectfully Submitted,

**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

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**ATTORNEYS FOR THE WEST TRAVIS  
COUNTY PUBLIC UTILITY AGENCY**

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 13th day of December, 2018 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.

  
Maris M. Chambers

**Attachment A**  
**Joint Proposed Notice of Approval**

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APPLICATION OF WEST TRAVIS	§	
COUNTY PUBLIC UTILITY AGENCY	§	BEFORE THE
AND THE CITY OF AUSTIN FOR	§	
APPROVAL OF SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	PUBLIC UTILITY COMMISSION
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS COUNTY	§	OF TEXAS

**NOTICE OF APPROVAL**

This Notice of Approval ("**Notice**") addresses the application ("**Application**") filed by the West Travis County Public Utility Agency (the "**PUA**") and the City of Austin ("**City**") (collectively, the "**Applicants**") to amend their water Certificates of Convenience and Necessity ("**CCN**") Nos. 11322 and 13207 in Travis County. The Public Utility Commission ("**Commission**") approves the amendment.

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

**I. Findings of Fact**

**Applicants**

1. The City is a municipality that provides water service under CCN No. 11322 in Travis County.
2. The PUA is a public utility agency created under Chapter 572 of the Texas Local Government Code.
3. The PUA provides water service under CCN No. 13207 in Travis and Hays Counties, Texas.

**Application**

4. On July 31, 2018, Applicants filed the Application for approval of a service area contract to amend their water CCNs to transfer 10.734 acres of water service area from the City to the PUA (the "**Contract**").
5. There are no transfers of assets or facilities between the Applicants.
6. There are no current customers of the City to be transferred.
7. In Order No. 3, issued on September 10, 2018, the Administrative Law Judge ("**ALJ**") deemed the Application administratively complete.

8. On November 19, 2018, the PUA filed a form concurring with the map and certificates as prepared by Commission Staff.
9. On November 30, 2018, the City filed a form concurring with the map and certificates as prepared by Commission Staff.

**Notice**

10. On April 19, 2018, the PUA's Board of Directors considered and approved the Contract.
11. On August 17, 2018, notice of the Application appeared in the *Texas Register*.
12. In Order No. 3, issued on September 10, 2018, the ALJ found the notice sufficient.

**Evidentiary Record**

13. On \_\_\_\_\_, 2018, the ALJ issued Order No. 4, admitting the following evidence into the record of this proceeding: Application filed on July 31, 2018, as supplemented on August 29, 2018; notice of Application issued on August 6, 2018 and published in the *Texas Register* on August 17, 2018; the PUA's Response to Order No. 1, filed on August 13, 2018; Commission Staff's Recommendation on Sufficiency filed September 6, 2018; the PUA's consent to the final map and certificates, filed on November 19, 2018; the City's consent to the final map and certificates, filed on November 30, 2018; and Commission Staff's Final Recommendation that the Application be approved, along with the attached final maps and certificates, filed December 6, 2018.

**Informal Disposition**

14. More than 15 days have passed since the completion of the notice provided in this Docket.
15. Commission Staff, the PUA, and the City are the only parties to this proceeding.
16. No issues of fact or law remain disputed by any party.
17. Commission Staff recommended approval of the Application.

**II. Conclusions of Law**

1. The Applicants 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.

5. Under TWC § 13.257(r) and (s), the Applicants 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.
6. The requirements for informal disposition under 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 Application, as supplemented, is approved.
2. The Commission amends the City's water CCN No. 11322, as described in this Notice, to reflect the removal of approximately 10.734 acres of service area in Travis County.
3. The Commission amends the PUA's water CCN No. 13207, as described in this Notice, to add approximately 10.734 acres of additional area in Travis County to the area already certificated to the PUA under water CCN No. 13207.
4. The Commission's official service area boundary maps for the PUA and the City shall reflect the changes as provided in the attached map.
5. The PUA shall serve every customer and applicant for service within the approved area under water CCN No. 13207 that requests water service and such service shall be continuous and adequate.
6. The PUA shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Travis 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.
7. The Commission denies all other motions any other requests for general or specific relief, it not expressly granted.

Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**