

Control Number: 48564



Item Number: 11

Addendum StartPage: 0

RECEIVED

APPLICATION OF CITY OF ROYSE §
 CITY AND BHP WATER SUPPLY §
 CORPORATION FOR APPROVAL OF §
 SERVICE AREA CONTRACT UNDER §
 TEXAS WATER CODE § 13.248 AND §
 TO AMEND CERTIFICATES OF §
 CONVENIENCE AND NECESSITY §
 IN HUNT COUNTY §

BEFORE 2018 DEC 10 PM 2:31

PUBLIC UTILITY COMMISSION
FILING CLERK

PUBLIC UTILITY COMMISSION

OF TEXAS

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

COME NOW, the City of Royse City (Royse City), BHP Water Supply Corporation (BHP), and Staff of the Public Utility Commission of Texas (Staff), 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 August 2, 2018, Royse City and BHP (Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248, and to amend Certificates of Convenience and Necessity (CCN) No. 10064 held by BHP, and CCN No. 12827, held by Royse City, in Hunt County, Texas. The Applicants, by mutual agreement, seek approval to amend their water CCNs to reflect dual certification of approximately 210 acres. The subject property is presently undeveloped, there are no current customers, and there are no water facilities in the area.

On September 5, 2018, the Commission issued Order No. 2, Addressing Sufficiency of Application and Notice and Establishing Procedural Schedule, which required the Parties to file joint proposed findings of fact and conclusions of law, and ordering paragraphs by December 10, 2018. This pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

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

1. Royse City and BHP's Application for Approval of a Service Area Contract under Texas Water Code § 13.248, and to Amend Certificates of Convenience and Necessity in Hunt County, Texas, filed on August 2, 2018 (AIS Item No. 1);
2. Notice of Application for Approval of a Service Area Contract and to Amend CCN, filed on August 7, 2018 (AIS Item No. 3);

3. Parties' Joint Response to Order No. 1, filed on August 13, 2018 (AIS Item No. 5);
4. Commission Staff's Recommendation on Administrative Completeness and Proposed Notice, filed August 30, 2018 (AIS Item No. 6);
5. Signed consent forms to the final map and certificate, filed November 16, 2018 (AIS Item Nos. 8 and 9); and
6. Commission Staff's Recommendation on Final Disposition, filed November 29, 2018 (AIS Item No. 10).

III. PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval, included as Attachment A, approving the Application to Amend Water CCN Nos. 10064 and 12827 in Hunt County, Texas.

IV. CONCLUSION

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

Respectfully submitted,

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

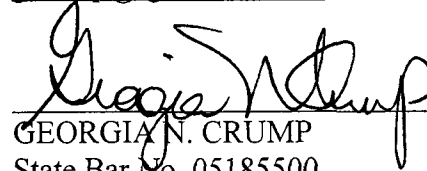
816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)

gcrump@lglawfirm.com



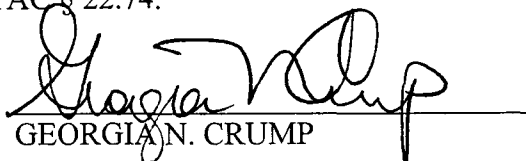
GEORGIA N. CRUMP

State Bar No. 05185500

ATTORNEY FOR CITY OF ROYSE CITY

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 10, 2018 in accordance with 16 TAC § 22.74.



GEORGIA N. CRUMP

DOCKET NO. 48564

APPLICATION OF CITY OF ROYSE	§	BEFORE THE
CITY AND BHP WATER SUPPLY	§	
CORPORATION FOR APPROVAL OF	§	
SERVICE AREA CONTRACT UNDER	§	PUBLIC UTILITY COMMISSION
TEXAS WATER CODE § 13.248 AND	§	
TO AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	
IN HUNT COUNTY	§	OF TEXAS

PROPOSED NOTICE OF APPROVAL

This Notice addresses the application filed by the City of Royse City (Royse City) and BHP Water Supply Corporation (BHP) (applicants) for approval of service area contract to amend their water certificates of convenience and necessity (CCN) in Hunt County. The Commission approves the amendment.

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

I. FINDINGS OF FACT

Applicants

1. Royse City is a municipality that provides water service under CCN number 12827 in Hunt, Rockwall, and Dallas Counties.
2. BHP is a water supply corporation operating under Chapter 67 Texas Water Code.
3. BHP provides water service under CCN number 10064 in Hunt County.

Application

4. On August 2, 2018, applicants filed an application for approval of a service area contract to amend their CCNs to dually certify 210 acres of water service area for applicants.
5. There are no transfers of assets or facilities between the applicants.
6. There are no current customers.
7. The developer of the 210 acres requested service from the City of Royse City in order to develop a high-density residential development.
8. In Order No. 2 issued on September 5, 2018, the Administrative Law Judge (ALJ) deemed the application administratively complete.

9. On November 16, 2018, the City of Royse City and BHP filed forms concurring with the maps and certificates as prepared by Commission Staff.

Notice

10. On March 8, 2011, the Royse City City Council considered and approved the contract.
11. On August 17, 2018, notice of the application appeared in the Texas Register.
12. In Order No. 2 issued on September 5, 2018, the ALJ found the notice sufficient.

Evidentiary Record

13. On _____, 2018, the ALJ issued Order No. ____ , admitting the following evidence into the record of this proceeding: Application of the City of Royse City and BHP and all attachments filed on August 2, 2018; notice of application issued on August 7, 2018 and published in the *Texas Register* on August 17, 2018; Applicants' response to Order No. 1 filed August 13, 2018; Commission Staff's recommendation on sufficiency of application and notice filed August 30, 2018; the City of Royse City's consent form filed November 16, 2018; BHP's consent form filed November 16, 2018; and Commission Staff's final recommendation and all attachments thereto filed November 29, 2018.

Informal Disposition

14. More than 15 days have passed since completion of the notice provided in this docket.
15. Commission Staff, the City of Royse City, and BHP 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. Royse City and BHP are each a retail public utility 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), Royse City and BHP 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 in 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 orders:

1. The Commission amends the City of Royse City's water CCN No. 12827 as described in this notice.
2. The Commission amends BHP's water CCN No. 10064 as described in this notice.
3. The Commission's official service area boundary maps for the City of Royse City and BHP will reflect the changes as provided in the attached map.
4. Royse City and BHP must serve every customer and applicant for service within the area that is dually certified consistent with the service area agreement filed with the application, and such service must be continuous and adequate.
5. Royse City and BHP must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Hunt 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 _____ day of _____, 2018.

PUBLIC UTILITY COMMISSION OF TEXAS
