

Control Number: 48564



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 48564

**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 §**

PUBLIC UTILITY COMMISSION

OF TEXAS

2019 JAN -9 PM 4:26

PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

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

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

I. Findings of Fact

Applicants

1. Royse City is a home rule municipality that provides water service under CCN number 12827 in Hunt, Rockwall, and Dallas Counties.
2. BHP Water is a domestic non-profit corporation registered with the Texas secretary of state on November 3, 1965 under file number 21860701.
3. BHP Water provides water service under CCN number 10064 in Hunt County.
4. The applicants' CCN boundaries abut one another.

Application

5. The land at issue in the application is an approximately 210-acre tract in Hunt County that currently lies within BHP Water's CCN and within the city limits of Royce City.
6. In April 2011, applicants entered into a settlement agreement (the Service Area Contract). Under the terms of the Service Area Contract, the 210-acre tract is to be dually-certified under the CCNs of Royce City and BHP Water.

7. On August 2, 2018, applicants filed an application for approval of the Service Area Contract to amend their CCNs to reflect dual certification of the 210-acre tract.
8. There will be no transfer of assets or facilities between the applicants.
9. There are no current customers in the 210-acre tract to be dually-certified.
10. In order No. 2 issued September 5, 2018, the administrative law judge (ALJ) deemed the application administratively complete.
11. On November 15, 2018, Commission Staff provided final maps and certificates to the applicants for their review and consent.
12. On November 16, 2018, Royse City and BHP Water each filed a consent form agreeing with the maps and certificates, as prepared by Commission Staff.

Notice

13. On March 1, 2011, BHP Water's Board of Directors considered and approved the Service Area Contract.
14. On March 8, 2011, Royse City's City Council considered and approved the Service Area Contract.
15. Notice of the application appeared in the August 17, 2018, issue of the *Texas Register*.
16. In Order No. 2 issued September 5, 2018, the ALJ found the notice sufficient.

Evidentiary Record

17. On December 10, 2018, Commission Staff and the applicants filed a joint motion to admit evidence.
18. In Order No. 3 issued January 9, 2019, the ALJ admitted the following evidence into the record of this proceeding: (a) application of Royse City and BHP Water filed August 2, 2018; (b) notice of application issued August 7, 2018 and published in the *Texas Register* on August 17, 2018; (c) applicants' joint response to Order No. 1 filed August 13, 2018; (d) Commission Staff's recommendation on sufficiency of the application and notice filed August 30, 2018; (e) Royse City's consent form filed November 16, 2018; (f) BHP Water's

consent form filed November 16, 2018; and (g) Commission Staff's final recommendation and all attachments filed on November 29, 2019.

Informal Disposition

19. More than 15 days have passed since the completion of notice provided in this docket
20. Commission Staff, Royse City, and BHP Water are the only parties to this proceeding
21. There were no protests, motions to intervene, or requests for hearing filed.
22. The granting of the application is not adverse to any party.
23. No party disputed any issues of fact or law; therefore, there is no need for a hearing.
24. On November 29, 2018, Commission Staff recommended approval of the application.

II. Conclusions of Law

1. The Commission has jurisdiction over this application under Texas Water Code (TWC) §§ 13.041, and 13.248.
2. Royse City and BHP Water are each a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application complies with TWC § 13.248 and 16 TAC § 24.253.
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.
5. Under TWC § 13.257(r) and (s), Royse City and BHP Water are each required to record a certified copy of its revised CCN and map, along with a boundary description of the service areas, in the real property records of Hunt County and submit to the Commission evidence of the recording.
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

¹ Tex. Gov't Code ch. 2001.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

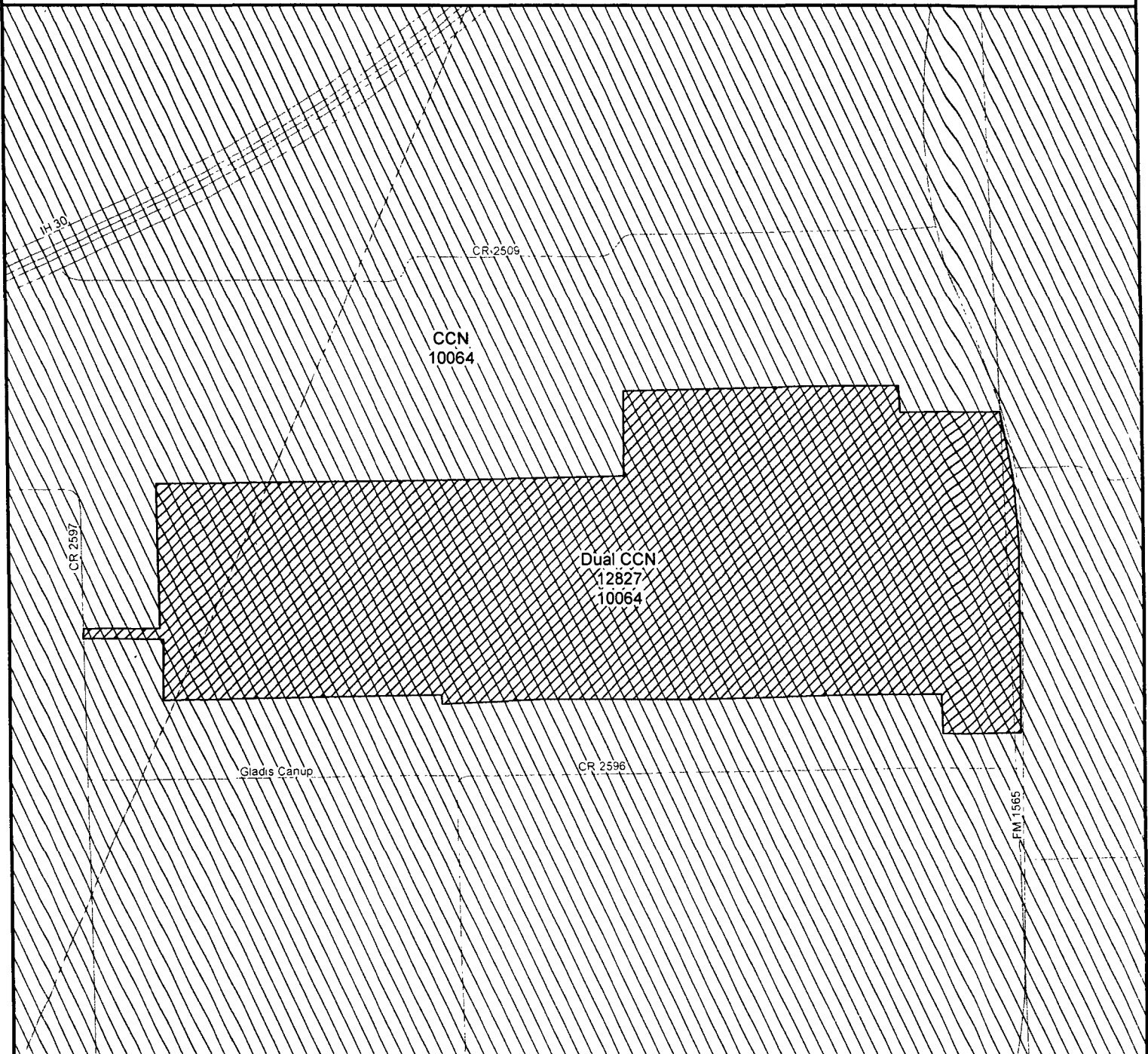
1. The Commission approves the application.
2. The Commission amends Royse City's water CCN number 12827 as described in this Notice of Approval.
3. The Commission amends BHP Water's water CCN number 10064 as described in this Notice of Approval.
4. The Commission's official service area boundary maps for Royse City and BHP Water will reflect the changes as provided in the attached map.
5. Royse City and BHP Water must serve every customer and applicant for service within the area that is dually certified in accordance with the Service Area Contract, and such service shall be continuous and adequate.
6. Royse City and BHP Water must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Hunt County affected by the application 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 and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 5th day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS




HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

City of Royse City
Portion of Water CCN No. 12827
PUC Docket No. 48564
13.248 Agreement Obtained Dual Certification with BHP WSC, CCN No. 10064 in Hunt County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  12827 - City of Royse City
-  10064 - BHP WSC

0 450 900
Feet



Map by: Komal Patel
Date created: October 30, 2018
Project Path: n:\finalmapping\
48564BHPWSC.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That City of Royse City

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, City of Royse City, is entitled to this:

Certificate of Convenience and Necessity No. 12827

to provide continuous and adequate water utility service to that service area or those service areas in Hunt, Rockwall, and Collin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48564 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 City of Royse City, 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 9th day of January 2019.



Public Utility Commission of Texas

By These Presents Be It Known To All That BHP Water Supply 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, BHP Water Supply Corporation, is entitled to this:

Certificate of Convenience and Necessity No. 10064

to provide continuous and adequate water utility service to that service area or those service areas in Hunt, Rockwall, and Collin Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48564 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 BHP Water Supply 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 9th day of January 2019.