



Control Number: 48680



Item Number: 65

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PUC DOCKET NO. 48680
SOAH DOCKET NO. 473-19-6298.WS



APPLICATION OF BLUEBONNET §
HILLS WATER SUPPLY §
CORPORATION AND THE CITY OF §
CRESSON FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN PARKER §
AND JOHNSON COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S MOTION FOR ORDER *NUNC PRO TUNC* UNDER TEXAS
RULE OF CIVIL PROCEDURE 316**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) and requests that the Commission enter an Order *Nunc Pro Tunc* pursuant to Texas Rule of Civil Procedure 316 to correct a clerical error in the map and certificate attached to the Order issued in this docket.

I. BACKGROUND

On September 10, 2020, the Commission approved the sale and transfer of all of Bluebonnet Hills Water Supply Corporation's (Bluebonnet) facilities and service area under water Certificate of Convenience and Necessity (CCN) number 12290 to the City of Cresson (City), the cancellation of water CCN number 12290, and the amendment of the City's CCN number 11472. Attached to the Order was a certificate for CCN No. 11472, which referred to service areas in Johnson and Parker Counties, but not Hood County, and a map that referenced Cresson Water Works rather than the City of Cresson.

II. MOTION FOR ORDER *NUNC PRO TUNC*

Staff requests an Order *Nunc Pro Tunc* to correct clerical errors in the counties listed in the certificate and the CCN holder named in the title of the map. The certificate omits Hood County. Although the transaction approved in this docket only affected service area under CCN No. 11472 within Parker and Johnson Counties,¹ the certificate must include Hood County to reflect all of the counties in which service area under CCN No. 11472 is located. The title of the

¹ Because the service area affected by the application is located in Parker and Johnson Counties only, Staff is not requesting corrections to conclusion of law 10 or ordering paragraph 5 to include Hood County.

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map indicates that Cresson Water Works holds CCN No. 11472. The title should be revised to reflect that the City of Cresson holds CCN No. 11472. Attached to this pleading are a certificate and map that include the requested corrections.

The Commission can correct clerical errors in an order at any time pursuant to Texas Rule of Civil Procedure 316. Because the requested changes correct clerical errors, and the errors are not the result of judicial reasoning or determination, it is appropriate for the Commission to correct the error through the issuance of an Order *Nunc Pro Tunc*.²

III. CONCLUSION

Staff respectfully requests the entry of an Order *Nunc Pro Tunc* correcting the clerical errors in the certificate and map issued on September 10, 2020 as set forth above.

Dated: September 15, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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s/ Kourtnee Jinks
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² See *Andrews v Koch*, 702 S.W.2d 584, 585 (Tex. 1986).

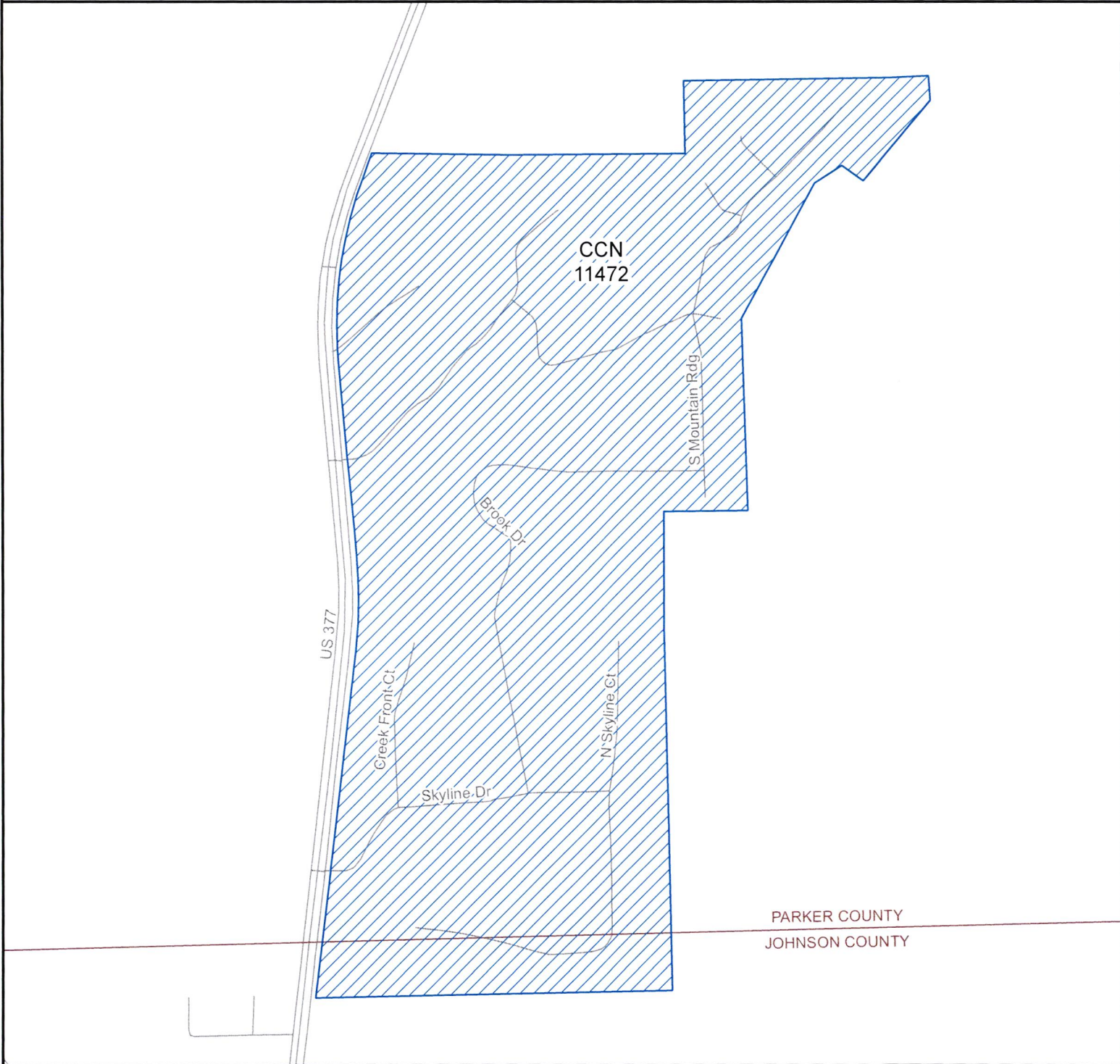
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks

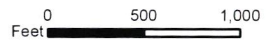
City of Cresson
Water CCN No. 11472
PUC Docket No. 48680
Transferred all of Bluebonnet Hills Water Supply Corporation, CCN No. 12290 in
Johnson and Parker Counties



Water CCN



11472 - City of Cresson





Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Cresson

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 Cresson is entitled to this

Certificate of Convenience and Necessity No. 11472

to provide continuous and adequate water utility service to that service area or those service areas in Hood, Johnson, and Parker Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48680 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 Cresson 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 _____ 20__.