



Control Number: 48714



Item Number: 57

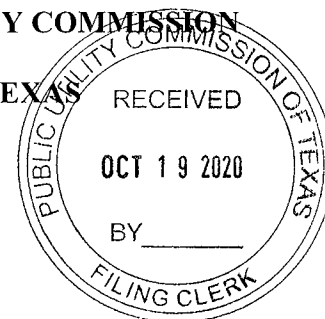
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**DOCKET NO. 48714**

**APPLICATION OF THE CITY OF  
EDINBURG TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY UNDER TEXAS  
WATER CODE § 13.255 AND  
DECERTIFY A PORTION OF  
NORTH ALAMO WATER SUPPLY  
CORPORATION'S SERVICE AREA  
IN HIDALGO COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**



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

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Motion to Admit Evidence and Proposed Notice of Approval, with the agreement of the City of Edinburg (Edinburg) and North Alamo Water Supply Corporations (NAWSC) (collectively, Parties). In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 27, 2018,<sup>1</sup> Edinburg filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 12106 to incorporate areas it currently serves and to decertify a portion of NAWSC's service area in Hidalgo County. The requested service area consists of 258 acres. Supplemental information was filed on March 26, 2019, September 3, 2019, October 25, 2019, January 28, 2020, April 1, 2020, May 26, 2020, and July 13, 2020.

On September 21, 2020, Order No. 17 was issued setting a deadline of October 19, 2020 for the Parties to file joint proposed findings of fact and conclusions of law. Therefore, this pleading is timely filed.

**II. MOTION TO ADMIT EVIDENCE**

The Parties request that the following evidence be admitted into the record:

- A. The application of Edinburg to amend a certificate of convenience and necessity under Texas Water Code § 13.255 and to decertify a portion of NAWSC's water certificate of

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<sup>1</sup> Edinburg's application is dated September 26, 2018 on the AIS Interchange database, but the filing itself is file stamped September 27, 2018.

convenience and necessity in Hidalgo County, filed on September 27, 2020 (AIS Item No. 1);

- B. The supplements to the application, filed on March 26, 2019, September 3, 2019, October 25, 2019, January 28, 2020, April 1, 2020, May 26, 2020, and July 13, 2020, (AIS Item Nos. 15, 28, 34, 39, 43, 46, and 49);
- C. Staff's Ninth Recommendation on Administrative Completeness, filed on July 27, 2020 (AIS Item No. 50);
- D. Edinburg's consent form to the final maps and certificates, filed on September 10, 2020 (AIS Item No. 52);
- E. NAWSC's consent form to the final maps and certificates, filed on September 24, 2020 (AIS Item No. 55); and
- F. Staff's Final Recommendation, filed on October 5, 2020 (AIS Item No. 56).

### **III. PROPOSED NOTICE OF APPROVAL**

The attached Proposed Notice of Approval would grant Edinburg's application to amend water CCN No. 12106 and to decertify a portion of NAWSC's water CCN No. 10553.

### **IV. CONCLUSION**

Staff respectfully requests that the items listed above be admitted into the record of this proceeding as evidence and that the attached Proposed Notice of Approval be adopted.

Dated: October 19, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ John Harrison

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**DOCKET NO. 48714**

**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 October 19, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison

**DOCKET NO. 48714**

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>EDINBURG TO AMEND A</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY UNDER TEXAS</b>	<b>§</b>	
<b>WATER CODE § 13.255 AND</b>	<b>§</b>	
<b>DECERTIFY A PORTION OF</b>	<b>§</b>	
<b>NORTH ALAMO WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION'S SERVICE AREA</b>	<b>§</b>	
<b>IN HIDALGO COUNTY</b>	<b>§</b>	

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the City of Edinburg (Edinburg) to amend its water Certificate of Convenience and Necessity (CCN) number 12106 and to decertify a portion of North Alamo Water Supply Corporation's (NAWSC) water CCN number 10553 in Hidalgo County. The Commission amends Edinburg's water CCN number 12106 to include the requested service area and amends NAWSC's water CCN number 10553 to remove the requested service area.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants**

1. Edinburg is a municipality that owns and operates a water utility under CCN number 12106 in Hidalgo County.
2. NAWSC provides water service under CCN number 10558 in Hidalgo County and is a non-profit corporation registered with the Texas Secretary of State on July 13, 1966, under filing number 0022548901.

**Application**

3. On September 26, 2018, Edinburg filed an application to amend its water CCN number 12106 and to decertify a portion of NAWSC's water CCN number 10553 in Hidalgo County.
4. Edinburg supplemented its application on September 3, 2019, March 26, 2019, October 25, 2019, January 28, 2020, April 1, 2020, May 26, 2020, and July 13, 2020.

5. The requested water service area consists of approximately 258 acres and was annexed by Edinburg on January 19, 1993 through City Ordinance No. 1523.
6. On January 7, 2020, Edinburg and NAWSC executed an agreement providing for single certification of the requested area and for the purchase of water lines and meters used to serve the requested area.
7. In Order No. 16 filed on July 28, 2020, the administrative law judge (ALJ) found the application administratively complete.

#### **Notice**

8. In Order No. 16 filed on July 28 2020, the ALJ determined that the need for notice contemplated by 16 Texas Administrative Code (TAC) § 24.259(c) has been satisfied by the fact that NAWSC is aware of, and does not oppose, the application.

#### **Map and Certificate**

9. On August 31, 2020, Commission Staff emailed the final maps and certificates to Edinburg and NAWSC.
10. On September 10, 2020, Edinburg filed its consent to the maps and certificates.
11. On September 24, 2020, NAWSC filed its consent to the maps and certificates.
12. On October 19, 2020, Commission Staff filed the proposed maps and certificates as attachments to the agreed motion to admit evidence and proposed notice of approval.

#### **Evidentiary Record**

13. On October 19, 2020, the Commission Staff filed an agreed motion to admit evidence and proposed notice of approval.
14. In Order No. \_\_ filed on \_\_\_\_\_, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) The application of Edinburg and NAWSC to amend a certificate of convenience and necessity under Texas Water Code § 13.255 and to decertify a portion of NAWSC's water certificate of convenience and necessity in Hidalgo County, filed on September 26, 2020; (b) Commission Staff's Ninth Recommendation on Administrative Completeness, filed on July 27, 2020; (c) the supplements to the application, filed on March 26, 2019, September 3, 2019, October 25, 2019, January 28, 2020, April 1, 2020, May 26, 2020, and July 13, 2020; (d) Edinburgs

consent form to the final maps and certificates, filed on September 10, 2020; (e) NAWSC's consent form to the final maps and certificates, filed on September 24, 2020; and (f) Commission Staff's Final Recommendation, filed on October 5, 2020.

15. Edinburg and NAWSC have agreed to transfer a portion of NAWSC's water CCN number 10558 to Edinburg's water CCN number 12106.

### **Informal Disposition**

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. No person filed a protest or motion to intervene.
18. Edinburg, NAWSC, and Commission Staff are the only parties to this proceeding.
19. No party requested a hearing and no hearing is needed.
20. Commission Staff recommended that the application be approved.
21. The decision is not adverse to any party.

### **II. Conclusion of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under TWC §§ 13.041, 13.241, 13.248, and 13.255 and 16 TAC § 24.253.
2. Edinburg and NAWSC are retail public utilities as defined by TWC § 13.002(19) and 16 TAC § 24.3(31).
3. Edinburg operates a municipally owned utility as defined in TWC § 13.002(13).
4. Notice of the application complies with 16 TAC § 24.259.
5. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,<sup>2</sup> the TWC, and Commission rules. Edinburg and NAWSC are entitled to approval of their agreement for single certification of the requested area and to transfer the facilities used to serve the requested area, having demonstrated that the service area requested is within Edinburg's corporate limits and having provided a copy

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<sup>2</sup> Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–.902.

of the agreement, which states that Edinburg may serve the requested area, as required by TWC § 13.255(a).

6. Under TWC § 13.257(r) and (s), Edinburg and NAWSC are required to record a certified copy of the approved CCN and maps, 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.
7. The requirements for informal disposition in 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 Edinburg's water CCN number 12106 to include the requested service area as described in this Notice of Approval and shown on the attached map.
2. The Commission amends NAWSC's water CCN number 10553 to decertify the portion of its service area as described in this Notice of Approval and shown on the attached map.
3. The Commission approves the maps and certificates attached to this Notice of Approval.
4. Edinburg must serve every customer and applicant for service within the service area added under water CCN number 12106 who requests water service and meets the terms of Edinburg's water service, and such service must be continuous and adequate.
5. Edinburg and NAWSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Hidalgo County affected by the application and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.



Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

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

## **City of Edinburg**

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 Edinburg is entitled to this

### **Certificate of Convenience and Necessity No. 12106**

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48714 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 Edinburg 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\_\_.



# **Public Utility Commission of Texas**

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

## **North Alamo Water Supply Corporation**

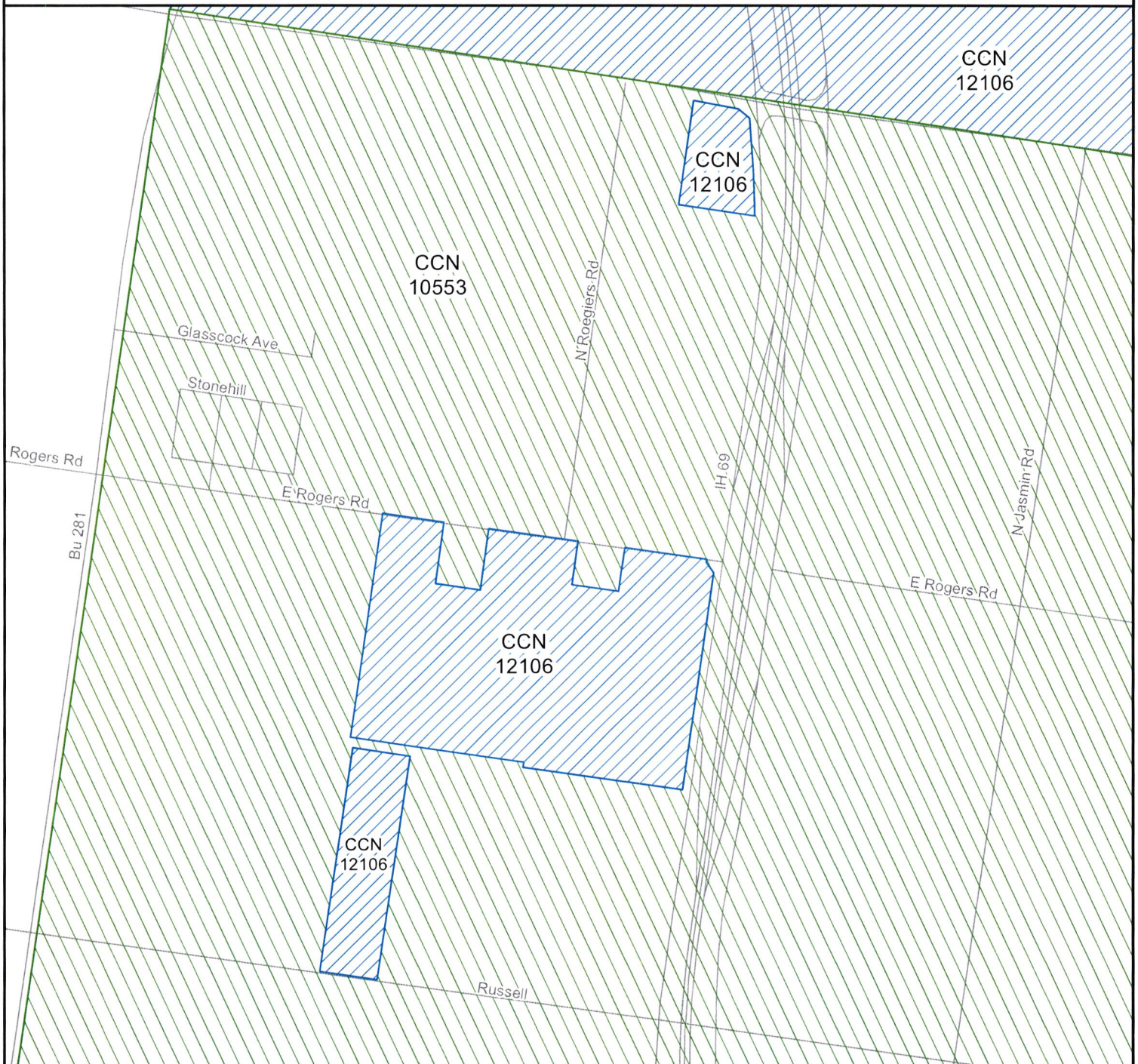
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, North Alamo Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10553**

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48714 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 North Alamo 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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

City of Edinburg  
Portion of Water CCN No. 12106  
PUC Docket No. 48714  
13.255 Agreement to Amend CCN No. 12106 and  
Decertify a Portion of North Alamo Water Supply Corporation, CCN No. 10553 in Hidalgo County



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

**Water CCN**

-  12106 - City of Edinburg
-  10553 - North Alamo WSC

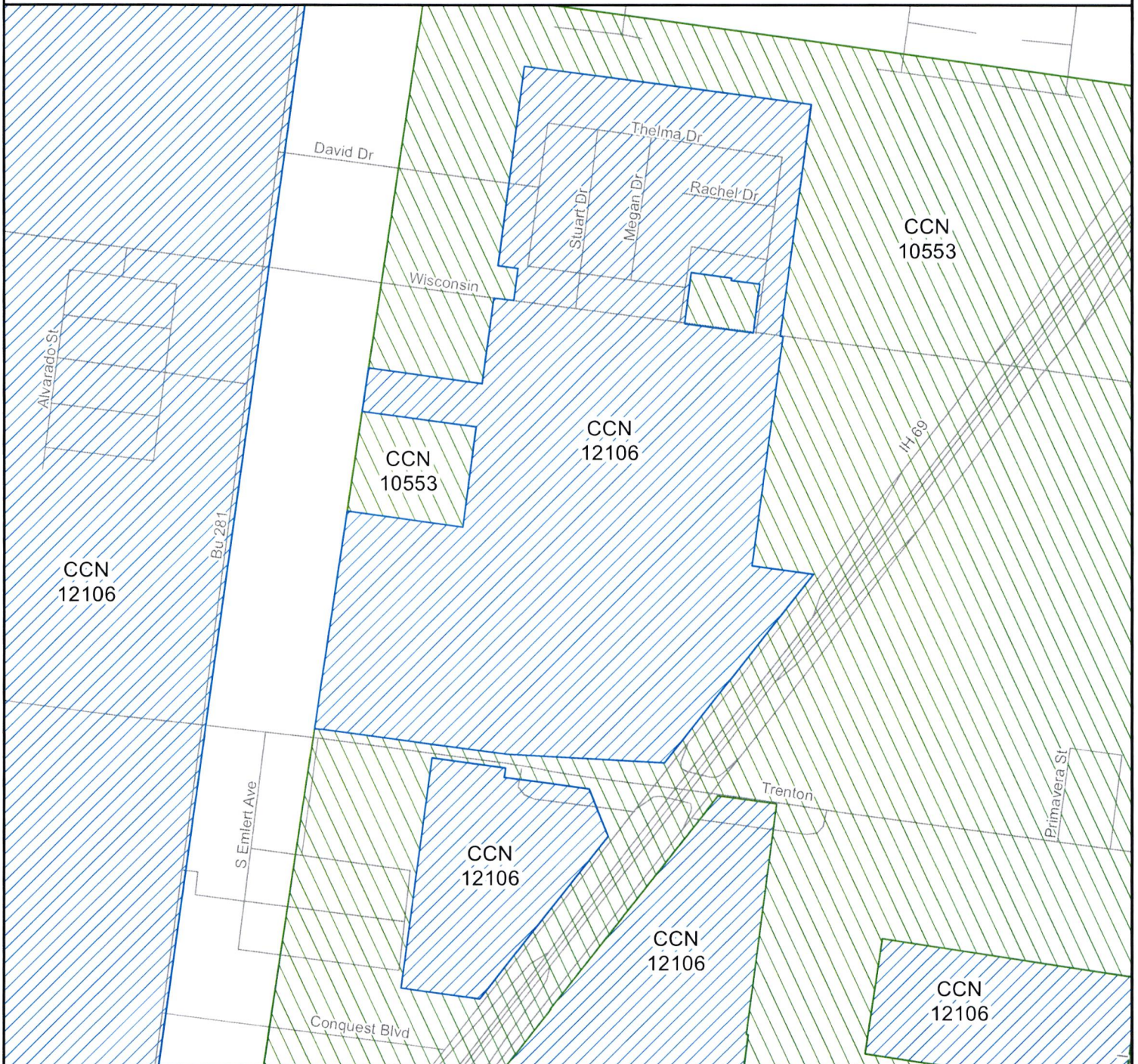
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Map by: Komal Patel  
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City of Edinburg  
Portion of Water CCN No. 12106  
PUC Docket No. 48714  
13.255 Agreement to Amend CCN No. 12106 and  
Decertify a Portion of North Alamo Water Supply Corporation, CCN No. 10553 in Hidalgo County



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

**Water CCN**

-  12106 - City of Edinburg
-  10553 - North Alamo WSC

0 400 800  
Feet



Map by: Komal Patel  
Date created: August 13, 2020  
Project Path: n:\finalmapping\  
48714CityofEdinburgB.mxd