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Item Number: 59

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DOCKET NO. 48714

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PUBLIC UTILITY COMMISSION

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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of 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 water CCN number 10553 in Hidalgo County. The Commission amends Edinburg's water CCN number 12106 to include the requested service area and amends North Alamo'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 operates, maintains, and controls facilities for providing retail water service under CCN number 12106 in Hidalgo County.
2. North Alamo is a non-profit water supply corporation registered with the Texas secretary of state on under filing number 0022548901.
3. North Alamo operates, maintains, and controls facilities for providing retail water service under CCN number 10553 in Hidalgo County.

Application

4. On September 27, 2018, Edinburg filed the application at issue in this proceeding, in which it seeks to decertify a portion of North Alamo's water CCN number 10553 (the requested area) and add the requested area to Edinburg's water CCN number 12106, under Texas Water Code (TWC) § 13.255.

5. In its initial application, Edinburg sought the CCN revisions related to the requested area without having a written agreement with North Alamo, under Texas Water Code (TWC) § 13.255(b).
6. Edinburg supplemented and revised its application on March 26, September 3, and October 25, 2019; and January 28, April 1, May 26, and July 13, 2020.
7. With the supplements and amendments, Edinburg now seeks the revisions related to the requested area under the terms of a written agreement with North Alamo, under Texas Water Code (TWC) § 13.255(a).
8. The requested service area consists of approximately 258 acres.
9. On January 7, 2020, Edinburg and North Alamo executed a Buyout and Transfer of Service Area Agreement (the written agreement), in which they agreed that the requested area would be decertified from North Alamo's CCN and added to Edinburg's CCN, and Edinburg would compensate North Alamo for the value of North Alamo's water lines, meters, and other equipment used to serve the requested area.
10. Edinburg has compensated North Alamo for the value of North Alamo's water lines, meters, and other equipment used to serve the requested area.
11. A copy of the written agreement was filed on January 28, 2020.
12. The requested area is comprised of a number of separate tracts, as follows: (a) what is referred to by the parties as Area A (consisting of tracts 1, 2, and 3, which are in close proximity to one another and roughly bounded on the east by N. Jasmin Rd., on the south by Russell Rd., on the west by Business US Hwy 281, and on the north by E. Rogers Rd.); and (b) what is referred to by the parties as Area B (consisting of tracts 4 through 9, which are mostly contiguous and roughly bounded on the east by Interstate Highway 69, on the south by Conquest Blvd., on the west by Business US Hwy 281, and on the north by Royal St.).
13. Tract 1 is referred to as the Arguindegui Commercial Subdivision.
14. Tract 2 is referred to as the Boys and Girls Club Subdivision.
15. Tract 3 is referred to as Russel Park Phase I.

16. Tract 4 is referred to as Edinburg Estates Phase I.
17. Tract 5 is referred to as Edinburg Estates Phase II.
18. Tract 6 is referred to as Wisconsin Mobile Home Community Subdivision.
19. Tract 7 is referred to as The Shoppes at Rio Grande Valley.
20. Tract 8 is referred to as Trenton Park Plaza.
21. Tract 9 is referred to as Minor Plat of 281/Trenton Commercial Subdivision.
22. All of the requested area has been annexed into Edinburg through its enactment of city ordinances.
23. Edinburg has demonstrated its ability to achieve compliance with the minimum requirements for public drinking water systems imposed by the Texas Commission on Environmental Quality.
24. In Order No. 16 filed on July 28, 2020, the administrative law judge (ALJ) found the application administratively complete.

Notice

25. In Order No. 16 filed on July 28, 2020, the ALJ determined that the need for notice has been satisfied by the fact that North Alamo is aware of, and does not oppose, the application.

Maps and Certificates

26. On August 31, 2020, Commission Staff emailed the final maps and certificates to Edinburg and North Alamo.
27. On September 10, 2020, Edinburg filed its consent to its map and certificate.
28. On September 24, 2020, North Alamo filed its consent to its map and certificate.
29. 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

30. On October 19, 2020, the parties filed an agreed motion to admit evidence and proposed notice of approval.

31. In Order No. 18 filed on October 26, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) the application filed on September 27, 2018; (b) the supplements to the application filed on March 26, September 3, and October 25, 2019; and January 28, April 1, May 26, and July 13, 2020; (c) Commission Staff's ninth recommendation on administrative completeness filed on July 27, 2020; (d) Edinburg's consent form to the final map and certificate filed on September 10, 2020; (e) North Alamo Water Supply Corporation's consent form to the final map and certificate filed on September 24, 2020; and (f) Commission Staff's final recommendation filed October 5, 2020.

Informal Disposition

32. More than 15 days have passed since the completion of the notice provided in this docket.
33. No person filed a protest or motion to intervene.
34. Edinburg and Commission Staff are the only parties to this proceeding.
35. No party requested a hearing and no hearing is needed.
36. Commission Staff recommended that the application be approved.
37. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under TWC §§ 13.041, 13.241, and 13.255.
2. Edinburg and North Alamo 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 was provided in substantial compliance with 16 TAC § 24.259.
5. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.

¹ Tex. Gov't Code §§ 2001.001–.903.

6. Edinburg and North Alamo 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 of the agreement, which states that Edinburg may serve the requested area, as required by TWC § 13.255(a).
7. Because Edinburg and North Alamo executed the written agreement, it is not necessary to hold a hearing on the application under TWC § 13.255(b).
8. Because Edinburg has compensated North Alamo, as specified in the written agreement, for the value of North Alamo's water lines, meters, and other equipment used to serve the requested area, it is not necessary to determine whether North Alamo is entitled to compensation from Edinburg under TWC § 13.255(b).
9. Under TWC § 13.257(r) and (s), Edinburg and North Alamo are each required to record a certified copy of its 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.
10. 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 area as described in this Notice of Approval and shown on the attached map.
2. The Commission amends North Alamo's water CCN number 10553 to decertify the requested area as described in this Notice of Approval and shown on the attached map.
3. The terms of the written agreement are incorporated into the respective CCNs of Edinburg and North Alamo.
4. The Commission approves the maps and certificates attached to this Notice of Approval.

5. Edinburg must serve every customer and applicant for service within the requested area who requests water service and meets the terms of Edinburg's water service, and such service must be continuous and adequate.
6. Edinburg and North Alamo 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.
7. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

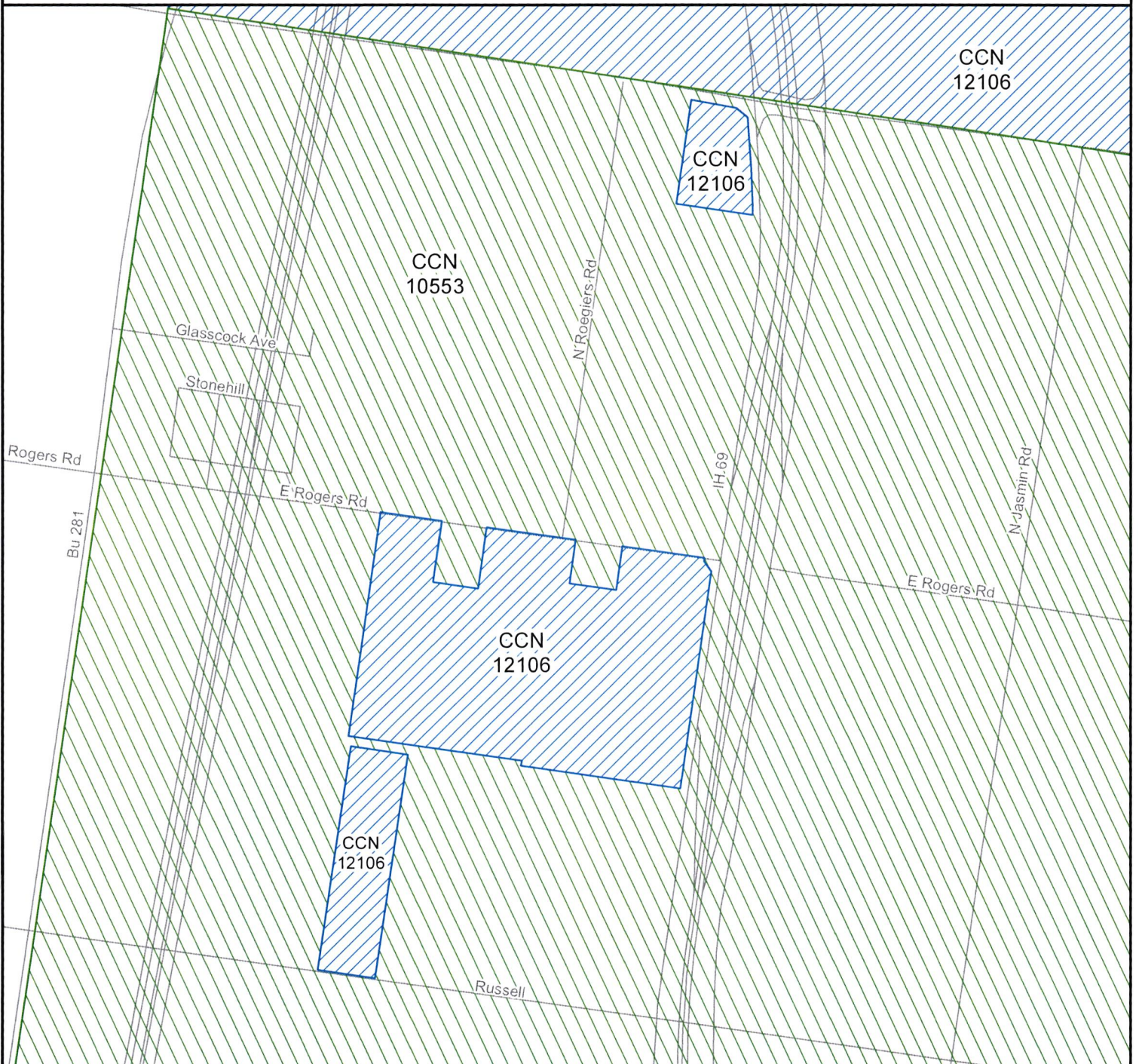
Signed the 12th day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS





HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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

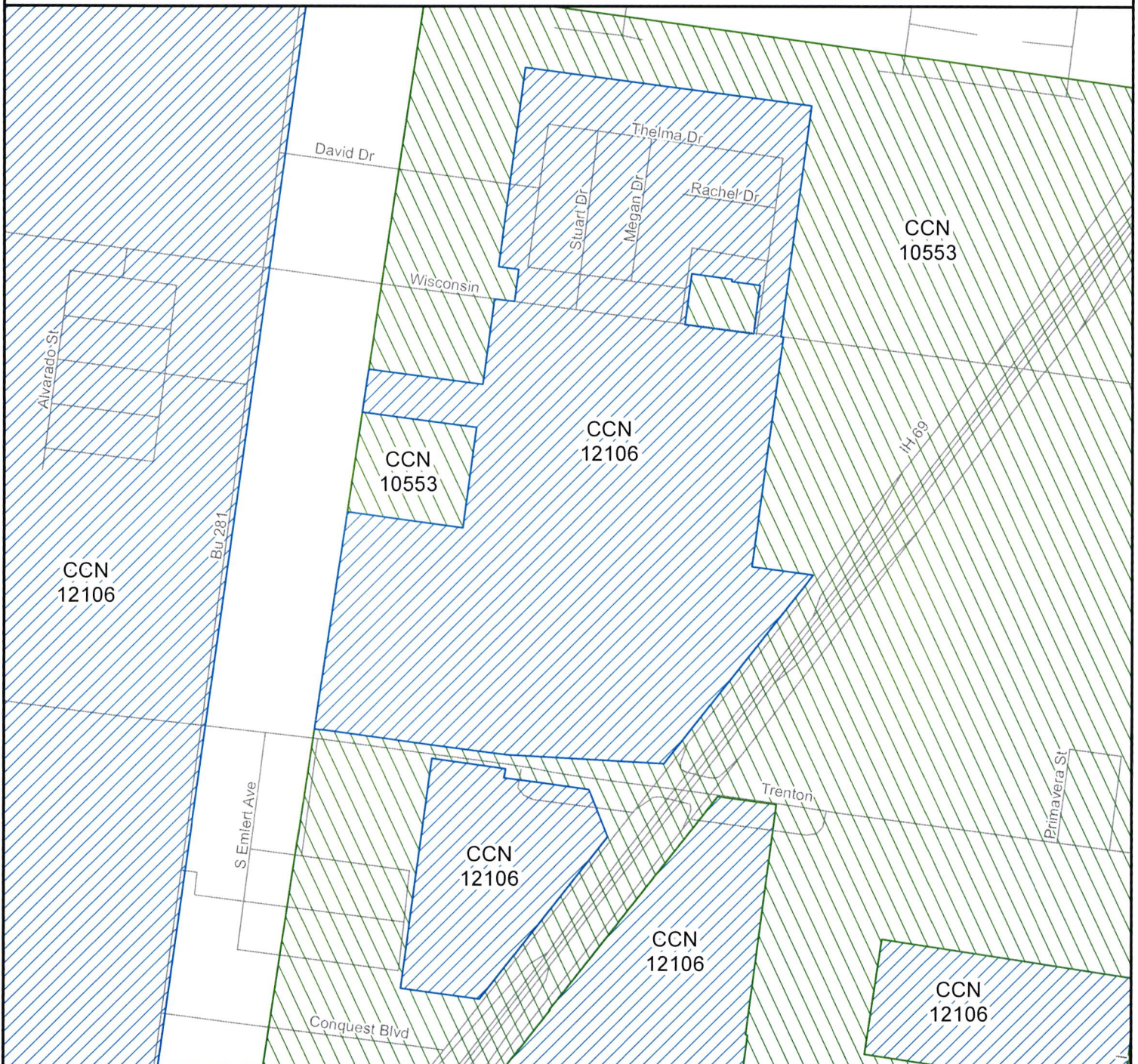
-  12106 - City of Edinburg
-  10553 - North Alamo WSC

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



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



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 12th day of November 2020.



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 12th day of November 2020.