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Public Utility Commission of Texas

Commissioner Memorandum

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TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker 

DATE: January 13, 2021

RE: January 14, 2021 Open Meeting – Item No. 2
Docket No. 48746 – *Application of Marshall to Amend its Certificate of Convenience and Necessity in Harrison County*

I recommend that the Commission make the following changes to the proposed order in this proceeding.

A new finding of fact should be added after proposed finding of fact 1 to provide additional information concerning the applicant.

X. Marshall is a retail public utility that provides retail water service to approximately 11,091 customers in Harrison County.

A new finding of fact should be added after proposed finding of fact 4 to better describe the procedural history of this proceeding.

X. On April 14, 2019, Commission Staff filed a final recommendation, with an attached proposed map and certificate, recommending that the Commission amend Marshall's CCN to include the 15,127-acre requested area.

A new finding of fact should be added after proposed finding of fact 8 to memorialize Commission Staff's revised final recommendation in this proceeding.

X. On June 22, 2020, Commission Staff filed a revised final recommendation, with an attached final proposed map and certificate, recommending that the Commission amend Marshall's CCN to include the 11,858-acre requested area.

Proposed finding of fact 9 should be deleted because it is unnecessary to support the order.

~~9. Notice of the application appeared in the October 26, 2018 issue of the *Texas Register*.~~

Proposed finding of fact 19 should be modified for accuracy.

19. Marshall is currently providing service to 1,320 existing customers in the requested area, and ~~the quality of services~~ such service has been continuous and is adequate.

Proposed findings of fact 20, 24, 27, and 39 should be modified to delete unnecessary information and for clarity.

20. Marshall is currently providing service to 1,320 existing customers in the requested service area; ~~therefore, there is a continuing need for service.~~
24. ~~Notice of the application was provided to neighboring retail public utilities and n~~No protests ~~or, adverse comments, or motions to intervene were received~~filed by any adjacent retail public utility in this docket; therefore, there is no evidence that there will be any adverse effect on any other retail public utility.
27. The application does not indicate that additional connections will be added as a result of the CCN amendment; ~~therefore, there are no additional facilities necessary and the adequacy of service will be unchanged by the CCN amendment.~~
39. Marshall will not need to construct a physically separate water system to serve the requested area; ~~therefore, concerns of regionalization or consolidation are not applicable because it currently provides service to the requested area.~~

Proposed finding of fact 47 and proposed conclusion of law 1 should be modified for accuracy.

47. Commission Staff recommended approval of the amended application.
1. The Commission has authority over the application under TWC §§ ~~13.041, 13.241, 13.244,~~ and 13.246.

New conclusions of law should be added after proposed conclusion of law 4 and proposed conclusion of law 5 because they are needed to support the order.

- X. This application meets the requirements set forth in TWC § 13.244 and 16 TAC §§ 24.25 and 24.227.
- X. Marshall has access to an adequate supply of water to serve the requested areas, and its public water system is capable of providing drinking water that meets the requirements of chapter 341 of the Texas Health and Safety Code, the TWC, and the rules of the TCEQ in accordance with TWC § 13.241 and 16 TAC § 24.227(a)(1).
- X. Regionalization and consolidation concerns under TWC § 13.241(d) do not apply in this proceeding because construction of a physically separate water system is not required.

Proposed ordering paragraph 2 should be incorporated into proposed ordering paragraph 3.

- ~~2. The Commission issues the certificate attached to this Order.~~
3. The Commission approves the certificate and map attached to this Order.

All findings of fact, conclusions of law, and ordering paragraphs should be renumbered accordingly.

Finally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.