



Control Number: 48806



Item Number: 45

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**DOCKET NO. 48806**

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PUBLIC UTILITY COMMISSION  
FILED

**APPLICATION OF CAMPBELL  
WATER SUPPLY CORPORATION TO  
AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HUNT COUNTY**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Motion to Admit Evidence and Proposed Notice of Approval with agreement from the Campbell Water Supply Corporation (collectively, the Parties). In support thereof, the Parties would show the following:

**I. BACKGROUND**

On October 22, 2018, Campbell Water Supply Corporation (Campbell) filed an application to amend water certificate of convenience and necessity (CCN) No. 10810 in Hunt County. The application was filed pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Texas Administrative Code (TAC) §§ 24.225-.237. Campbell requests to amend its CCN to include approximately 237 acres and 33 existing customers.

On March 6, 2019, Maloy Water Supply Corporation (Maloy) filed a Request for Contested Case Hearing and Motion to Intervene. On April 5, 2019, Maloy filed a Notice of Withdrawal and withdrew its request for hearing and Motion to Intervene. On April 8, 2019, Order No. 5 granted the Intervenor Withdrawal Request.

On January 23, 2019, Order No. 3 deemed the application to be administratively complete and on April 1, 2019, Order No. 4 found notice to be sufficient. On December 10, 2019, after discussions with Staff, Campbell filed an update to the previously submitted and consented to maps. On February 14, 2020 Staff filed a final recommendation, which was supplemented on February 18, 2020. Order No. 11 set a deadline of February 28, 2020 for the Parties to file a joint proposed notice of approval. This pleading, therefore, is timely filed.

## **II. MOTION TO ADMIT EVIDENCE**

The Parties request the entry of the following items into the record of this proceeding: (a) Campbell's application filed on October 22, 2018 (AIS Item No. 1); (b) Commission Staff's supplemental recommendation on administrative completeness filed on January 22, 2019 (AIS Item No. 9); (c) Campbell's proof of notice filed on March 20, 2019 (AIS Item No. 14); (d) Commission Staff's Recommendation on Notice filed on March 28, 2019 (AIS Item No. 15); (e) Campbell's Response to Staff's First Request for Information, filed on May 17, 2019 (AIS Item No. 21); Campbell's supplemental information, filed on July 16, 2019, October 10, 2019, December 3, 2019, and December 10, 2019 (AIS Item Nos. 25, 32, 37 and 38); Campbell's signed consent form, filed January 23, 2020; and (g) Commission Staff's Final Recommendation and attachments and Supplement to Final Recommendation filed on February 14, 2020 and February 18, 2020 (AIS Item Nos. 43 and 44).

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

The Parties have agreed on the attached Proposed Notice of Approval, which would grant Campbell's application to amend water CCN No. 10810. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs from the Notice of Approval,

## **IV. CONCLUSION**

The Parties respectfully request the admission of the foregoing evidence.

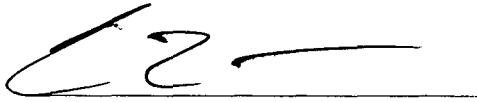
Dated: February 28, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Heath D. Armstrong  
Managing Attorney



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**DOCKET NO. 48806**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 28<sup>th</sup> of February 2020 in accordance with 16 TAC § 22.74.



Creighton R. McMurray

**DOCKET NO. 48806**

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|-------------------------------------|----------|----------------------------------|
| <b>APPLICATION OF CAMPBELL</b>      | <b>§</b> |                                  |
| <b>WATER SUPPLY CORPORATION TO</b>  | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>AMEND CERTIFICATES OF</b>        | <b>§</b> |                                  |
| <b>CONVENIENCE AND NECESSITY IN</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>HUNT COUNTY</b>                  |          |                                  |

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Campbell Water Supply Corporation (Campbell) to amend its water certificate of convenience and necessity (CCN) No. 10810 in Hunt County. The application is approved.

**I. FINDINGS OF FACT**

The Commission makes the following findings of fact:

**Applicant**

1. Campbell is a water supply corporation registered with the Texas Secretary of State under Charter No. 17525201.

**Application**

2. On October 22, 2018, Campbell filed an application to amend its water CCN number 10810 in Hunt County.
3. The requested area consists of approximately 237 acres and 33 existing customers.
4. The requested area is located approximately 2 miles north of downtown Campbell, Texas and is generally bounded on the north by a line approximately 1,000 feet south of County Road 4317; on the east by County Road 4225; on the south by Farm to Market Road 2736 and County Road 4208; and to the west by County Road 4204.
5. In Order No. 3 issued on January 23, 2019, the administrative law judge (ALJ) found the application administratively complete.

**Notice**

6. On March 20, 2019, Campbell filed proof of notice attesting that notice was mailed to neighboring utilities, county authorities, municipalities, and affected parties on February 6, 2019.

7. On March 20, 2019, Campbell filed a publisher's affidavit attesting to publication of notice in the *Commerce Journal*, a newspaper of general circulation in Hunt County, on January 31, 2019 and February 7, 2019.
8. In Order No. 4 issued on April 1, 2019, the ALJ found the notice sufficient.

**Map, Tariff, and Certificate**

9. On January 20, 2020, Commission Staff emailed its proposed final map and certificate to Campbell.
10. On January 23, 2020, Campbell filed its consent to the proposed map and the applicable certificate.
11. On February 18, 2020, Commission Staff filed the proposed map and certificate as a supplement to its recommendation.

**Evidentiary Record**

12. On February 28, 2020, the Parties filed an agreed motion to admit evidence and proposed notice of approval.
13. In Order No. 12 issued on \_\_\_\_\_, 2020, the ALJ admitted the following into evidence: (a) Campbell's application filed on October 22, 2018 (AIS Item No. 1); (b) Commission Staff's supplemental recommendation on administrative completeness filed on January 22, 2019 (AIS Item No. 9); (c) Campbell's proof of notice filed on March 20, 2019 (AIS Item No. 14); (d) Commission Staff's Recommendation on Notice filed on March 28, 2019 (AIS Item No. 15); (e) Campbell's Response to Staff's First Request for Information, filed on May 17, 2019 (AIS Item No. 21); Campbell's supplemental information, filed on July 16, 2019, October 10, 2019, December 3, 2019, and December 10, 2019 (AIS Item Nos. 25, 32, 37 and 38); Campbell's signed consent form, filed January 23, 2020; and (g) Commission Staff's Final Recommendation and attachments and Supplement to Final Recommendation filed on February 14, 2020 and February 18, 2020 (AIS Item Nos. 43 and 44).

**Adequacy of Existing Service – TWC § 13.246(c)(1); 16 TAC § 24.227(d)(1)**

14. There are 33 existing customers in the area subject to this application.
15. Campbell has a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under PWS No. 1160017.

16. Campbell's public water system meets the requirements of the Texas Health and Safety Code and the TCEQ for adequate water production and delivery capabilities for the provision of drinking water.

**Need for Additional Service—TWC § 13.246(c)(2), 16 TAC § 24.227(d)(2)**

17. Campbell already serves the 33 existing customers in the 237-acre requested area, demonstrating a need for service.

**Effect of Granting the Amendment—TWC § 13.246(c)(3), 16 TAC § 24.227(d)(3)**

18. There will be no effect on any retail public utility servicing the proximate area.
19. Landowners in the area will benefit from having the option of receiving water service from Campbell.

**Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), 13.246(c)(4); 16 TAC § 24.227(a), (d)(4)**

20. Campbell's Public Water System has adequate capacity to meet the projected demands in the requested area.
21. Campbell does not have any unresolved violations listed in the TCEQ database.

**Service from Other Utilities—TWC § 13.246(0)(5); 16 TAC § 24.227(d)(5)**

22. Service was requested from and is being provided by Campbell.
23. There are no other water providers in the requested area.

**Ability to Serve: Financial Ability and Stability—TWC §§ 13.241(a), 13.246(c)(6), 16 TAC §§ 24.11(e), 24.227(a), (d)(6)**

24. Campbell meets one of the five financial leverage tests: Campbell has a debt to equity ratio of less than one, as its long-term debt of \$877,672 divided by its equity of \$1,208,012 equals 0.67.
25. Campbell has the financial ability and financial stability to pay for the facilities necessary to provide continuous and adequate service to the requested area.

**Financial Assurance—TWC § 13.246(d), 16 TAC § 24.227(e)**

26. There is no need to require Campbell to provide a bond or other financial assurance to ensure continuous and adequate service.

**Environmental Integrity—TWC § 13.246(c)(7); 16 TAC 24.227(d)(7)**

27. The environmental integrity of the land will be minimally affected as no additional construction is needed to provide service to the requested area.

**Improvement in Service and Lowering of Cost—TWC § 13.246(c)(8); 16 TAC § 24.227(d)(8)**

28. Water rates in the requested area will not be affected, as the area is already being served by Campbell.
29. Service will be improved, as water service will be available to future customers in the area requested.

**Informal Disposition**

30. More than fifteen days have passed since the completion of notice provided in this docket.
31. Any protests or motion to intervene have been resolved and withdrawn.
32. Campbell and Commission Staff are the only parties to this proceeding.
33. Any requests for a hearing have been withdrawn and no hearing is needed.
34. Commission Staff recommended that the application be approved.
35. The decision is not adverse to any party.

**II. CONCLUSIONS OF LAW**

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.241, 13.244, and 13.246.
2. Campbell is a for-profit corporation as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Notice of the application complies with TWC § 13.246 and 16 TAC § 24.235.
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,<sup>1</sup> the TWC, and Commission rules.
5. Campbell possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested service area and its current service area in Hunt County as required by TWC § 13.241(a) and 16 TAC § 24.227.
6. The amendment to water CCN No. 10810 is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(c).
7. Campbell must record a certified copy of the approved map for the certificate amendments, along with a boundary description of the service area, in the real property records of Hunt

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<sup>1</sup> Administrative Procedure Act, Tex. Gov't Code § 2001.001–.902 (APA).



County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording in accordance with TWC § 13.257(r) and (s).

8. 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 Campbell's water CCN No. 10810 as described in this Notice of Approval and shown on the attached map.
2. The Commission grants the certificate attached to this Notice of Approval.
3. Campbell must serve every customer and applicant for service within the approved area under water CCN No. 10810 who requests water service and meets the terms of Campbell's water service, and such service must be continuous and adequate.
4. Campbell must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Hunt County affected by this application.
5. Campbell must file in this docket proof of the recording required in ordering paragraph five no later than 45 days after the date this Notice of Approval is signed.
6. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

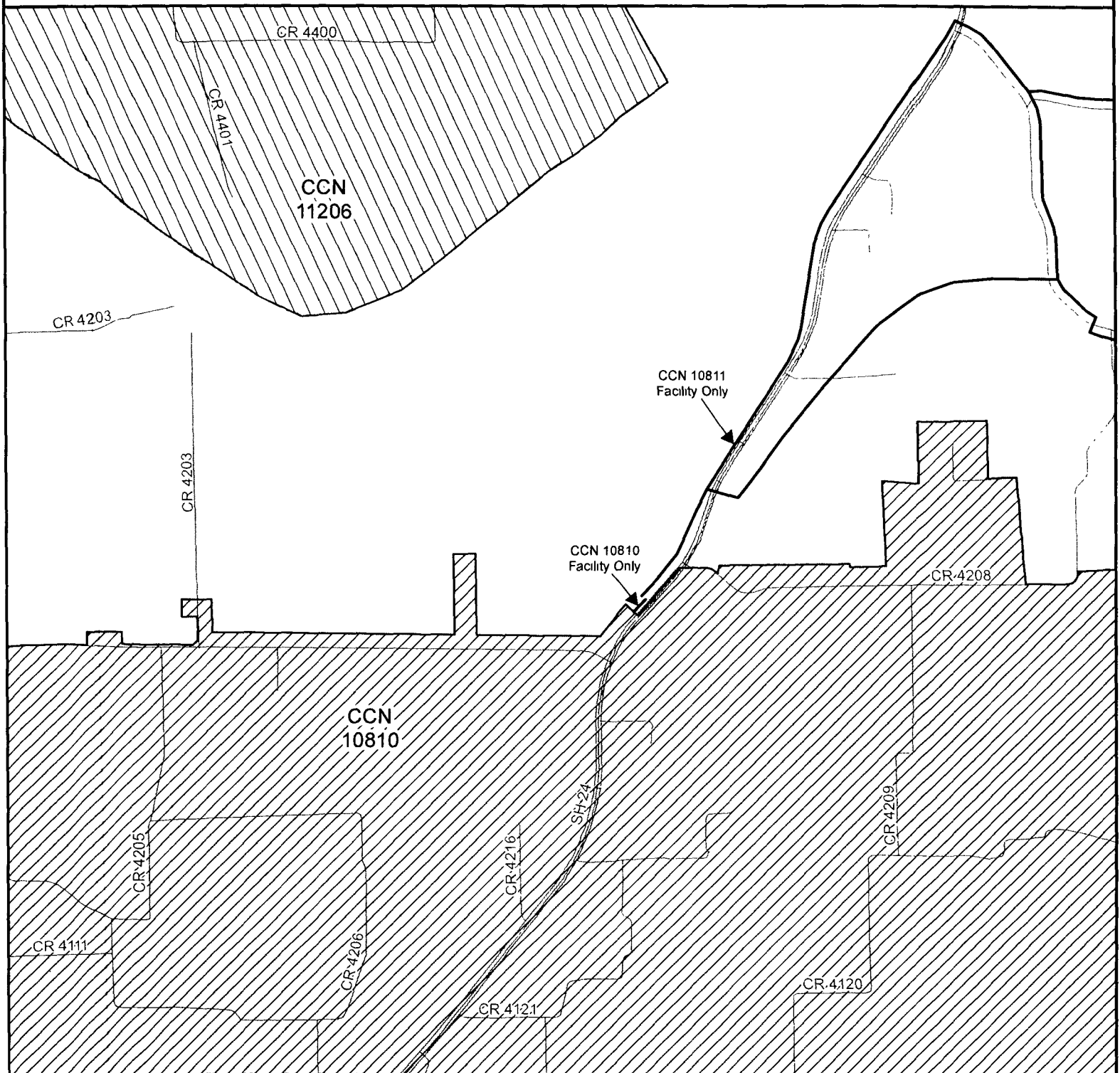
Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

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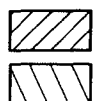
ADMINISTRATIVE LAW JUDGE

Campbell Water Supply Corporation  
 Portion of Water CCN No. 10810  
 PUC Docket No. 48806  
 Amended CCN No. 10810 in Hunt County



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

**Water CCN**



10810 - Campbell WSC

11206 - North Hunt SUD

**Facilities Only Water CCN**



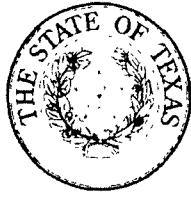
10810 - Campbell WSC

10811 - Maloy WSC

0 1,250 2,500  
 Feet



Map by: Komal Patel  
 Date created: January 8, 2020  
 Project Path: n:\finalmapping\  
 48806CampbellWSC.mxd



# **Public Utility Commission of Texas**

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

## **Campbell 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, Campbell Water Supply Corporation, is entitled to this

### **Certificate of Convenience and Necessity No. 10810**

to provide continuous and adequate water utility service to that service area or those service areas in Hunt County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48806 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 Campbell 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 \_\_\_\_\_ 2020.