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DOCKET NO. 49150

**APPLICATION OF T&W WATER
SERVICE COMPANY TO AMEND ITS
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY** §
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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
FILING CLERK

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

COMES NOW T&W Water Service Company (T&W) and the Staff of the Public Utility Commission of Texas (Commission Staff) (collectively, the Parties) and file this Joint Motion to Admit Evidence in response to Order No. 3 Finding Notice Sufficient and Establishing Procedural Schedule filed on March 22, 2019. In support thereof, the Parties show the following:

I. BACKGROUND

On January 28, 2019, T&W filed an application with the Public Utility Commission of Texas (Commission) for approval to amend its water Certificate of Convenience and Necessity (CCN) No. 12892 in Montgomery County, Texas. Specifically, T&W seeks to add approximately 892 acres to its water CCN service area.

On July 9, 2019, Order No. 4 was filed granting the extension and establishing a deadline of August 1, 2019 for Commission Staff to file a final recommendation on the application. Commission Staff filed its final recommendation on July 31, 2019.

Order No. 4 also established a deadline of August 8, 2019 for the Parties to jointly file detailed, legally sufficient findings of fact and conclusions of law. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following documents into the record evidence in this proceeding:

- (1) Application of T&W Water Service Company to Amend Water Certificate of Convenience and Necessity to Serve the Proposed Deer Pines Subdivision in Montgomery County, Texas, filed on January 28, 2019;

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- (2) WaterEngineers, Inc.'s Plant Plans for Deer Pines Water System and Deed to Plant Site, filed on behalf of T&W on February 21, 2019;
- (3) Commission Staff's Recommendation on Sufficiency, filed February 26, 2019;
- (4) Commission Staff's 1st RFI to T&W Water Service Company Question No. Staff 1-1, filed on March 1, 2019;
- (5) T&W's Response to Commission Staff's First RFI, filed on March 11, 2019;
- (6) T&W's Response to Order No. 2, filed on March 14, 2019;
- (7) T&W's Amendment to Water CCN, filed on March 19, 2019;
- (8) Commission Staff's Recommendation on Notice, filed on March 20, 2019;
- (9) T&W's Consent Form, filed on June 12, 2019; and
- (10) Commission Staff's Final Recommendation, filed on July 31, 2019.

III. PROPOSED ORDER

The Parties have agreed on the attached Proposed Order (Attachment A) to grant T&W's application to amend water CCN No. 12892 to serve the proposed Deer Pines Subdivision in Montgomery County, Texas.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: _____

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**Attorneys for T&W Water
Service Company**

CERTIFICATE OF SERVICE

I certify by my signature above that a true and ~~copy~~ correct copy of the foregoing document was served on the persons as indicated below on this the 1 day of August, 2019:

Rustin Tawater
Public Utility Commission of Texas
Legal Division
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ATTACHMENT A

DOCKET NO. 49150

APPLICATION OF T&W WATER § PUBLIC UTILITY COMMISSION
SERVICE COMPANY TO AMEND ITS §
WATER CERTIFICATE OF § OF TEXAS
CONVENIENCE AND NECESSITY IN §
MONTGOMERY COUNTY §

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the January 28, 2019 application of T&W Water Service Company (T&W) to Amend a Water Certificate of Convenience and Necessity in Montgomery County. Specifically, T&W seeks to add approximately 892 acres to its water CCN service area under water CCN No. 12892.

This Commission adopts the following findings of fact and conclusions of law.

I. Findings of Fact

Applicant

1. T&W Water Service Company (T&W) is a for-profit corporation that provides water service in Texas under CCN No. 12892.

Application

2. On January 28, 2019, T&W filed an application to amend water CCN No. 12892 in Montgomery County, Texas.
3. T&W seeks approval to amend its water CCN No. 12892 to include the requested area of the Deer Pines Subdivision, which includes approximately 892 acres and 0 current customers.
4. The requested service area subject to this transaction is located approximately 4 miles southwest of downtown Town of Cut and Shoot, Texas, and is generally bounded on the north by E. Williams Road; on the east by N. Walker Road; on the south by Tree Monkey Road; and on the west by Adcock Acres Dr.
5. On February 21, 2019, WaterEngineers, Inc. filed, on behalf of T&W, Plant Plans for Deer Pines Water System and Deed to Plant Site.
6. Order No. 2 issued on February 28, 2019, the Administrative Law Judge (ALJ) found the application administratively complete.

7. On March 14, 2019, T&W filed its response to Order No. 2.
8. On March 19, 2019, T&W filed an amendment to Water CCN.
9. On June 12, 2019, T&W filed its consent form.

Adequacy of Service

10. There are no current customers in the area subject to this application.

Need for Service

11. T&W's proposed customers in the requested area will need water service as no other providers in the area are available. The developer has requested water service from T&W.

Effect of Granting the Retail Public Utility Amendment

12. No other retail providers are available for the requested area. The amendment will have no effect on any other retail public utility servicing in the approximate area.

Ability of Provide Adequate Service

13. T&W has a TCEQ approved Public Water System (PWS), PWS No. 1700895, which will allow T&W to provide adequate service.

Feasibility of Obtaining Service from Adjacent Retail Public Utility

14. No other adjacent retail utilities exist or are able to service the requested area.

Financial Ability to Pay for Facilities and Financial Stability

15. T&W demonstrated that it has the available cash levels to serve the requested service area.
16. T&W has demonstrated the financial capability and stability to provide continuous and adequate water service.
17. T&W has a debt to equity ratio of 0.33, which meets the leverage test of less than one and supports the ability to obtain financing.

Environmental Integrity

18. The environmental integrity of the land is not expected to be impacted during the extension of water service to the requested areas.

Effect on the Land

19. The land is being developed as a residential neighborhood. The utilities being constructed to serve the neighborhood will have a minimal impact on the land.

Improvement of Service or Lowering Cost

20. No improvement of service or lowering of cost to customers in that requested area will result from granting the amendment because T&W will be serving new customers that have not been served previously.

Notice

21. On March 14, 2019, T&W filed an affidavit of Shelley Young, P.E., Engineer, T&W authorized representative, attesting that notice was mailed to neighboring utilities and affected parties on February 27, 2019.
22. On March 14, 2019, T&W filed a publisher's affidavit attesting to the publication of notice on March 1 and 8, 2019, in the *Conroe Courier*, a newspaper of general circulation in Harris, Trinity, Walker, Grimes, Polk, San Jacinto, Washington, Montgomery, Liberty, Austin, Waller, Chambers, Colorado, Brazoria, Fort Bend, Galveston, Wharton, Jackson and Matagorda Counties.

Evidentiary Record

23. On August __, 2019, the Parties jointly moved to admit evidence.
24. In Order No. __ issued on _____, the ALJ admitted the following evidence into the record: (a) Application of T&W Water Service Company to Amend Water Certificate of Convenience and Necessity in Montgomery County, Texas, filed on January 28, 2019; (b) WaterEngineers, Inc.'s, Plant Plans for Deer Pines Water System and Deed to Plant Site, filed on behalf of T&W on February 21, 2019; (c) Commission Staff's Recommendation on Sufficiency, filed on February 26, 2019; (d) Commission Staff's 1st RFI to T&W Water Service Company Question No. Staff 1-1, filed on March 1, 2019; (e) T&W's Response to Commission Staff's First RFI, filed on March 11, 2019; (f) T&W's Response to Order No. 2, filed on March 14, 2019; (g) T&W's Amendment to Water CCN, filed on March 19, 2019; (h) Commission Staff's Recommendation on Notice, filed on March 20, 2019; (i) T&W's Consent Form, filed on June 12, 2019; and (j) Commission Staff's Final Recommendation, filed on July 31, 2019.

Information Disposition

25. More than 15 days have passed since the completion of notice provided in this docket.
26. Commission Staff and T&W are the only parties to this proceeding.
27. No protests, motions to intervene or requests for hearing were filed.
28. There are no disputed issues of fact; therefore, a hearing is not necessary.
29. On July 31, 2019 Commission Staff recommended approval of the application.

II. Conclusions of Law

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) §§ 13.241, 13.244, and 13.246.
2. T&W is a retail public utility as defined in 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 application was processed in accordance with the TWC, the Administrative Procedure Act¹ and Commission Rules.
5. T&W has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area in Montgomery County as required by TWC § 13.241(a) and 16 TAC § 24.227.
6. The amendment to water CCN No. 12892 is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(c).
7. Under TWC § 13.257(r) and (s), T&W is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area, in the real property records of Montgomery County and to submit evidence of the recording to the Commission.
8. The requirements for informal disposition pursuant to 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 approves the application.
2. The Commission amends T&W's water CCN No. 12892, in accordance with this Notice.
3. The Commission approves the T&W's tariff in accordance with this Notice.
4. The Commission's official service area boundary map for T&W shall reflect this change as shown in the attached map.

¹ Tex. Gov't Code Ann. §§ 2001.001-902

5. T&W must serve every customer and applicant for service within the area certified under CCN No. 12892, and such service shall be continuous and adequate.
6. T&W must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Montgomery County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the _____ day of _____ 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE