



Control Number: 49178



Item Number: 14

Addendum StartPage: 0

RECEIVED

APPLICATION OF VINEYARD RIDGE, §
LLC AND VINEYARD RIDGE WATER §
SUPPLY, LLC FOR SALE, TRANSFER, §
OR MERGER OF CERTIFICATE §
RIGHTS IN GILLESPIE COUNTY §

2019 JUL 15 AM 11:13
PUBLIC UTILITY COMMISSION
OF TEXAS

JOINT PROPOSED MOTION TO ADMIT EVIDENCE AND NOTICE OF APPROVAL

COMES NOW Vineyard Ridge, Vineyard Ridge Water Supply, and the Staff of the Public Utility Commission of Texas (Staff) (collectively, Parties), and hereby submit this Joint Motion to Admit Evidence and Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On February 6, 2019, Vineyard Ridge Water Supply, LLC (Purchaser) and the Vineyard Ridge, LLC (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Gillespie County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Specifically, the Purchaser seeks approval to acquire facilities and to transfer water service area from the Seller under water Certificate of Convenience and Necessity (CCN) No. 13265. The requested area includes approximately 660 acres and 17 existing connections.

Order No. 4, issued June 13, 2019, established a deadline of July 15, 2019 for the Parties to file a joint motion to admit evidence and proposed notice of approval. Therefore, this pleading is timely filed.

II. MOTION TO ADMIT EVIDENCE

The Parties request the entry of the following items into the record of this proceeding: (a) Application of Vineyard Ridge, LLC and Vineyard Ridge Water Supply, LLC for Sale, Transfer, or Merger of Certificate Rights in Gillespie County (filed on February 6, 2019, AIS Item No. 1); (b) Notice & Affidavits (filed on March 18, 2019, AIS Item No. 5); (c) Response to Staff RFI No. 1 (filed on March 27, 2019, AIS Item No. 10); and (d) Commission Staff's Final Recommendation (filed on May 13, 2019, AIS Item No. 10).

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant the Applicant's application for sale, transfer, or merger of certificate rights in Gillespie County. The Parties request that the Commission approve the Notice.

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

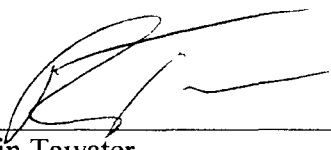
Dated: July 15, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



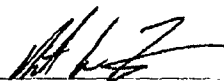
Rustin Tawater
State Bar No. 24110430
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7230
(512) 936-7268 (facsimile)
rustin.tawater@puc.texas.gov

VINEYARD RIDGE, LLC



Price Keever
P.O. Box 631
Spicewood, TX 78669
512-461-0806

**VINEYARD RIDGE WATER SUPPLY,
LLC**



Bret W. Fenner
200 Harbor Circle
Georgetown, Texas 78633
512-917-7541

**DOCKET NO. 49178
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 12⁵,
2019. in accordance with 16 Texas Administrative Code § 22.74. 29



Rustin Tawater

DOCKET NO. 49178

APPLICATION OF VINEYARD RIDGE, LLC AND VINEYARD RIDGE WATER SUPPLY, LLC FOR SALE, TRANSFER, OR MERGER OF CERTIFICATE RIGHTS IN GILLESPIE COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of approval addresses the application of the Vineyard Ridge, LLC and Vineyard Ridge Water Supply, LLC for an amendment for sale, transfer, or merger of certificate rights in Gillespie County. The Staff of the Public Utility Commission (Staff) recommended approval of the application. Consistent with Staff’s recommendation, the application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

Procedural History and Background

1. Vineyard Ridge, LLC holds water certificate of convenience and necessity (CCN) No. 13265. Vineyard Ridge Water Supply, LLC does not currently hold a water certificate of convenience and necessity.
2. On February 6, 2019, Vineyard Ridge, LLC filed an application for sale, transfer or merger of certificate rights to include a service area that is comprised of a 660-acre tract with seventeen current customers.
3. On March 18, 2019, Vineyard Ridge, LLC filed an affidavit attesting to the provision of notice to landowners, neighboring utilities, and cities.
4. On March 21, 2019, the Administrative Law Judge (ALJ) issued Order No. 2 finding that the application was administratively complete and requiring notice.
5. On March 25, 2019, the ALJ issued Order No. 3 finding the notice sufficient and setting forth a procedural schedule for continued processing
6. On May 13, 2019 Staff recommended approval of the Vineyard Ridge, LLC application
7. On June 13, 2019, the ALJ issued Order No. 4 requiring parties to submit a motion.

Notice

8. On March 13, 2019, Vineyard Ridge, LLC mailed notice of the application to neighboring utilities, counties, cities, and affected parties.

Evidentiary Record

9. On July ____, 2019 the ALJ issued Order No. 6, admitting evidence into the record of this proceeding.

Informal Disposition

10. More than 15 days have passed since completion of the notice provided in this docket.
11. Vineyard Ridge Water Supply, LLC, Vineyard Ridge, LLC, and Staff are the only parties to this proceeding.
12. No requests for hearing have been filed.
13. No issues of fact or law are disputed by the parties.

II. CONCLUSIONS OF LAW

1. Vineyard Ridge, LLC is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
2. The Commission has jurisdiction over Vineyard Ridge, LLC's application pursuant to TWC §§ 13.041, 13.241, 13.244, and 13.246 and 16 TAC §§ 24.102, 24.106, and 24.107.
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), Vineyard Ridge, LLC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241(a).
6. Vineyard Ridge Water Supply, LLC and Vineyard Ridge, LLC have demonstrated that amendment to water CCN No. 13265 is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. 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 order:

1. Vineyard Ridge, LLC and Vineyard Ridge Water Supply, LLC's application is approved.
2. Vineyard Ridge, LLC's water CCN No 13265 is hereby amended consistent with this Notice.
3. Vineyard Ridge, LLC shall serve every customer and applicant for service within the approved area under water CCN No. 13265 that request water service and meet the terms of the City's tariff to receive water service and such service shall be continuous and adequate.
4. Vineyard Ridge, LLC and Vineyard Ridge Water Supply, LLC shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Gillespie County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the ___ day of July 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE