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PUC DOCKET NO. 49272



**APPLICATION OF YANCEY WATER
SUPPLY CORPORATION TO AMEND
A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MEDINA AND FRIO COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

SAN ANTONIO WATER SYSTEM'S MOTION TO INTERVENE

TO THE HONORABLE COMMISSION ALJ:

COMES NOW, San Antonio Water System ("SAWS") and files this motion to intervene and would respectfully show as follows:

I. INTRODUCTION

SAWS seeks to intervene and fully participate in this proceeding pursuant to Sections 22.101 through 22.104 of the Commission's Procedural Rules on behalf of itself and the City of San Antonio ("City"). As set forth herein both SAWS and the City have a justiciable interest that may be adversely affected by the outcome of this proceeding.

II. AUTHORIZED REPRESENTATIVE

SAWS' authorized representative for service of all pleadings and other documents in this docket and legal representative is:

Joe Freeland
Mathews & Freeland, LLP
8140 N. Mopac Expy
Suite 4-200
Austin, Texas 78759
Telephone: (512) 404-7800
Facsimile: (512) 703-2785
Email: jfreeland@mandf.com

All pleadings, motions and other documents in this proceeding should be served on SAWS' authorized representative.

III. TIMELINESS OF INTERVENTION

Order No. 5 in this proceeding set a deadline for intervention of 30 days after notice is issued. The notice received by SAWS states that it was mailed on July 2, 2019. This motion, therefore, is timely filed.

IV. JUSTICIABLE INTEREST

A person has standing to intervene if that person (1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding. 16 TAC § 22.103(b).

SAWS is a municipally owned utility providing potable water, recycled water, chilled water, steam, and wastewater collection and treatment services throughout most of the City and its extraterritorial jurisdiction (“ETJ”). SAWS holds water CCN No. 10640. SAWS’ existing CCN area is located immediately south and west of part of the area sought by Yancey (“FM 1283 Area”). (See Attachment 1). SAWS has infrastructure near to the FM 1283 Area and SAWS plans to provide water utility service to the FM 1283 Area.

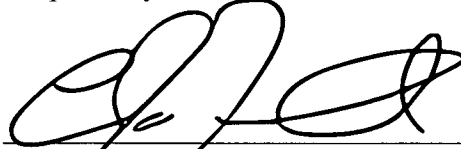
Additionally, the FM 1283 Area is located wholly within the City’s ETJ. SAWS is wholly owned by the City, and authorized to represent the City’s interests regarding water and sewer utility issues before the Commission. Texas Water Code §13.245(b) prohibits the Commission from a granting a CCN within a city with a population of 500,000 or more without the consent of the city. The City has not consented to Yancey obtaining a CCN within the City’s ETJ. Yancey’s application also does not even allege that the City’s consent has been obtained.

As a matter of fact, and law, SAWS and the City could be directly affected by the outcome of this docket. SAWS, in its own capacity and as the representative of the City, has a clear justiciable interest in Yancey’s CCN application.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, SAWS respectfully requests that this motion to intervene be granted, that SAWS be allowed to fully participate as a party in this proceeding.

Respectfully submitted,



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ATTORNEYS FOR SAN ANTONIO
WATER SYSTEM

CERTIFICATE OF SERVICE

I certify that a copy of this Motion to Intervene was served on all parties of record in this proceeding on August 1, 2019, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.



C. Joe Freeland

Legend

1 mi
Texas County Boundaries

CCN_PUC

UTILITY
CITY OF CASTROVILLE
CITY OF DEVINE
CITY OF HONDO
CITY OF LA COSTE
CREEKWOOD RANCHES WSC
EAST MEDINA COUNTY SUD
GUSVILLE MOBILE HOME PARK
HIGHWAY 90 RANCH WSC
LCR WATER DEVELOPMENT LP
MEDINA COUNTY WCID 2
MEDINA RIVER WEST WSC
MOORE WSC
NEW ALSACE WSC
OLD HIGHWAY 90 WATER SERVICE
RIO MEDINA WATER
SAN ANTONIO WATER SYSTEM
SWWC UTILITIES INC
VILLE D'ALSACE WSC
YANCEY WSC

Prop. CCN

Prop. CCN Supplemental

Parcels

Paradise Canyon

SAN ANTONIO WATER SYSTEM

SAN ANTONIO WATER SYSTEM

FM 1283 Area

