

Control Number: 49498



Item Number: 16

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DOCKET NO. 49498

2019 OCT 31 PM 2:28

APPLICATION OF THE CITY OF ROYSE CITY AND BHP WATER SUPPLY CORPORATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY FOR PARTIAL DUAL CERTIFICATION IN HUNT COUNTY UNDER TWC § 13.248 AND 16 TAC § 24.253 §
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PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF’S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Final Recommendation and would show the following:

I. BACKGROUND

On May 1, 2019, the City of Royse City (Royse City) and BHP Water Supply Corporation (BHP WSC) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code § 13.248 and 16 Texas Administrative Code (TAC) § 24.253 to amend their water certificates of convenience and necessity for partial dual certification in Hunt County. Order No. 3, issued June 27, 2019, found the notice of the application provided by Applicants sufficient and adopted a procedural schedule setting September 10, 2019, as the deadline for Staff to provide maps, certificates, and tariffs (if applicable) to Applicants for review and consent. On September 10, 2019, Staff requested a 30-day extension of this deadline. Order No. 4, issued September 11, 2019, granted Staff’s request and established October 10, 2019, as the new deadline for Staff to provide final maps and certificates.

Staff timely provided the maps and certificates to Applicants. On October 14, 2019, Staff requested an amendment to the procedural schedule to adjust the remaining deadlines to conform with the October 10, 2019, deadline. Order No. 5, issued October 18, 2019, amended the procedural schedule and established October 24, 2019, as the deadline for Applicants to file signed consent forms and October 31, 2019, as the deadline for Staff to file a final recommendation on the application. Therefore, this pleading is timely filed.

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II. FINAL RECOMMENDATION ON THE APPLICATION

As detailed in the memorandum of Elisabeth English of the Commission's Infrastructure Division (Attachment A), Staff has reviewed the application and recommends that it be approved. Staff's review indicates that the application satisfies the applicable requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code. The area that is the subject of the contract is undeveloped, and approval of the application will allow Royse City to serve new, high density developments constructed in the area. Because the area is currently undeveloped, there is no impact to current customers.

In accordance with this recommendation, the corresponding map (Attachment B) and certificates (Attachment C) consented to by Royse City on October 16, 2019, and BHP WSC on October 21, 2019, are attached. On or before November 14, 2019, the parties will jointly file proposed findings of fact and conclusions of law.

III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be approved.

Dated: October 31, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
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**DOCKET NO. 49498
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 31, 2019, in accordance with 16 TAC § 22.74.

Eleanor D' Ambrosio

Eleanor D' Ambrosio

Attachment A

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: October 31, 2019

Subject: **Docket No. 49498:** *Application of City of Royse City and BHP Water Supply Corporation to Amend Certificates of Convenience and Necessity for Partial Dual Certification in Hunt County Under Texas Water Code § 13.248 and 16 Texas Administrative Code § 24.253.*

On May 1, 2019, City of Royse City (Royse City) and BHP Water Supply Corporation (BHP WSC) (collectively, Applicants) filed a petition for approval of a contract designating an area of dual certification of Certificate Convenience and Necessity (CCN) service areas under Texas Water Code (TWC) § 13.248 in Hunt County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

The Applicants filed an agreement designating an area within BHP WSC's CCN No. 10064 to be dually certificated with Royse City's CCN No. 12827. The area subject to the Applicants' petition is presently undeveloped and has zero customers; thus, there is not a transfer of customers or facilities contemplated as a result of the Applicants request. As required by 16 TAC § 24.253, the petition included:

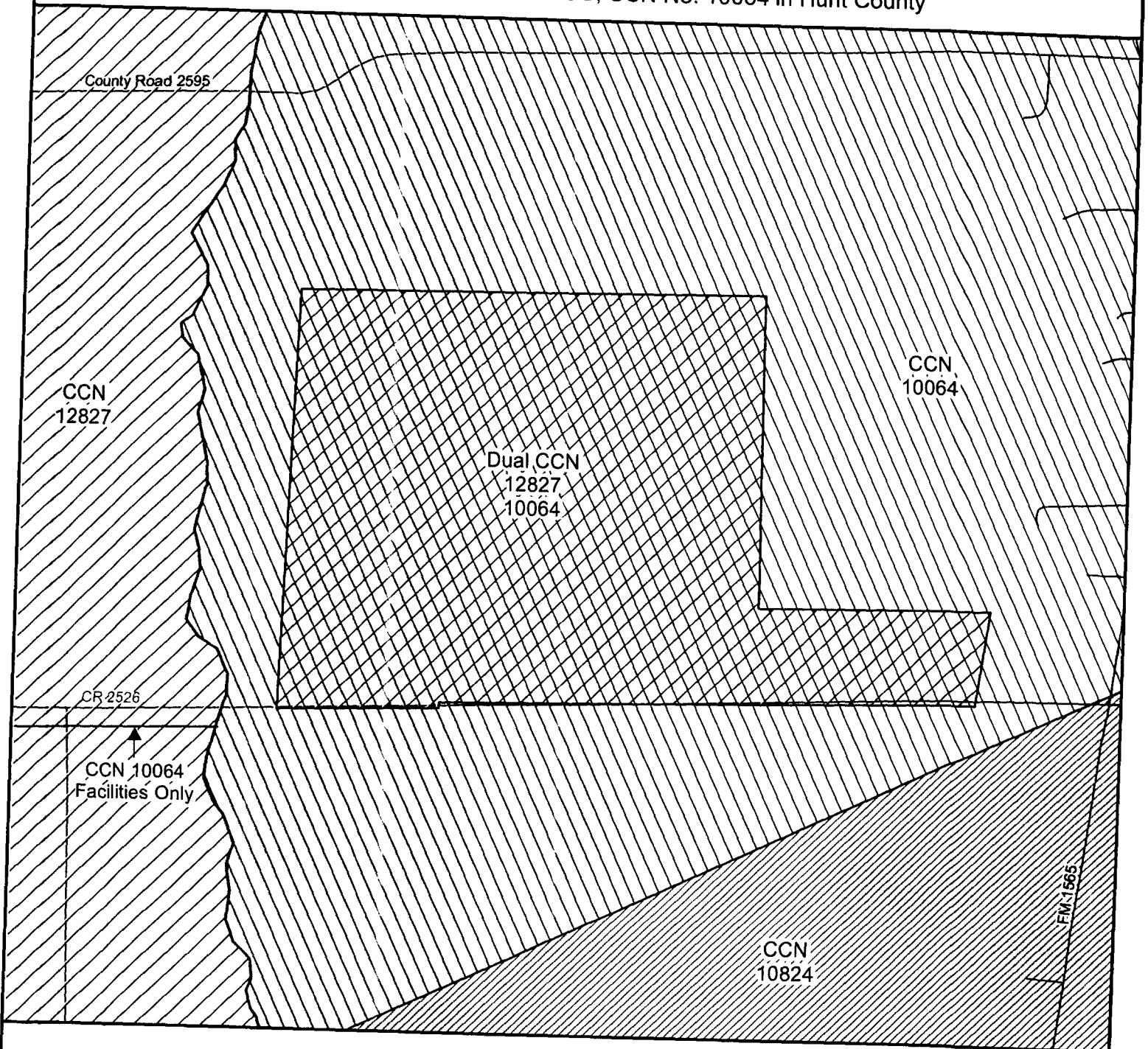
1. The applicable agreement between Royse City and BHP WSC designating the subject area to be dually certified;
2. Sufficient mapping in accordance with 16 TAC § 24.257(a); and
3. Affidavits in accordance with 16 TAC § 24.257(c)(3), corresponding to the applicable agendas and minutes for the meetings in which the decision to enter into a TWC § 13.248 agreement was discussed.

Based on the above information, Staff recommends that the Applicants' petition has met the requirements of TWC § 13.248 and 16 TAC § 24.253; therefore, Staff recommends approval of the petition and the attached final map and certificates. The Applicants consented to the attached map and certificates October 16, 2019 and October 21, 2019.




Staff further recommends that the Applicants file certified copies of the CCN map along with written descriptions of the CCN service areas in the Hunt County Clerk's office pursuant to TWC §§ 13.257 (r)-(s).

Attachment B


City of Royse City
 Portion of Water CCN No. 12827
 PUC Docket No. 49498
 13.248 Agreement Amended CCN No. 12827 and
 Dual Certification with B H P WSC, CCN No. 10064 in Hunt County

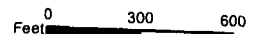


Water CCN

-  12827 - City of Royse City
-  10064 - B H P WSC
-  10824 - Cash SUD

Facilities Only

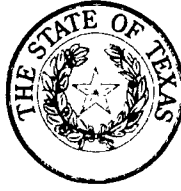
-  10064 - B H P WSC



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

Map by: Komal Patel
 Date created: October 7, 2019
 Project Path: n:\finalmapping\
 49498CityofRoyseCity.mxd

Attachment C



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Royse City

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, City of Royse City is entitled to this

Certificate of Convenience and Necessity No. 12827

to provide continuous and adequate water utility service to that service area or those service areas in Collin, Hunt and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 49498 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 the City of Royse City, 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 _____ 2018.



Public Utility Commission of Texas

**By These Presents Be It Known To All That
BHP 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, BHP Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10064

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. 49498 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 the BHP 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 _____ 2019.