



Control Number: 50224



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DOCKET NO. 50224

APPLICATION OF CITY OF	§	PUBLIC UTILITY COMMISSION
BRUCEVILLE-EDDY AND	§	
ELM CREEK WATER SUPPLY	§	OF TEXAS
CORPORATION FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN McLENNAN COUNTY	§	

FIRST AMENDED PROOF OF CLOSING

NOW COME ELM CREEK WATER SUPPLY CORPORATION and the CITY OF BRUCEVILLE-EDDY (collectively “Applicants”) and make this their First Amended Proof Closing as follows:

I.

Pursuant to the Administrative Law Judge’s Order No. 7 in the above matter, Applicants were authorized to proceed and close the transaction conveying a small portion of the certified service area of the City of Bruceville-Eddy to Elm Creek Water Supply Corporation consistent with the Application made by the Applicants in this matter. On September 11, 2020, the City of Bruceville-Eddy executed the Assignment and Transfer of Certificate of Convenience and Necessity Rights which is attached as **Exhibit A** hereto. Elm Creek WSC has also signed this instrument. As no real property or personal property was to be conveyed, by this Assignment and Transfer this transaction is closed.

PRAYER

WHEREFORE, Applicants respectfully request that the attached closing documents be accepted and that a schedule be established for the continued processing and finalization of the Application. The Applicants further pray for such other relief as may be proper herein.

Respectfully submitted,

By: /s/ Charles D. Olson

CHARLES D. OLSON

State Bar No. 15273200

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Waco, Texas 76712

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ATTORNEYS FOR APPLICANT,
ELM CREEK WATER SUPPLY CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been delivered to the below-listed attorney for the Public Utility Commission on this 30th day of September, 2020:

Courtney Dean
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
Email: courtney.dean@puc.texas.gov

/s/ Charles D. Olson

CHARLES D. OLSON

**ASSIGNMENT AND TRANSFER OF
CERTIFICATE OF CONVENIENCE AND NECESSITY RIGHTS**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF McLENNAN §

WHEREAS, the **CITY OF BRUCEVILLE-EDDY, TEXAS**, as Transferor, and **ELM CREEK WATER SUPPLY CORPORATION**, as Transferee, have made application with the Public Utility Commission of the State of Texas to approve the assignment and transfer of certain Certificate of Convenience and Necessity ("CCN") rights; and

WHEREAS, the Application of Bruceville-Eddy and Elm Creek Water Supply was assigned Docket No. 50224 before the Public Utility Commission of Texas; and

WHEREAS, the subject of said Application was the transfer and assignment of a small portion of the Bruceville-Eddy CCN (as described on Exhibit "A") to Elm Creek Water Supply Corporation; and

WHEREAS, on September 4, 2020, Administrative Law Judge Steven Leary entered Order No. 7 Approving Sale and Transfer to Proceed in Docket No. 50224;

NOW, THEREFORE, the City of Bruceville-Eddy, Texas for One Dollar (\$1.00) and other good and valuable consideration, does hereby assign, convey and transfer unto Elm Creek Water Supply Corporation, its successors and assigns, all of its rights under CCN No. 11285 to provide water service to the area described in Exhibit "A". Henceforth, the right to provide water service to this area and the corresponding obligations under state law shall belong to Elm Creek Water Supply Corporation. If necessary, the City of Bruceville-Eddy agrees that from time to time and upon request of Elm Creek Water Supply Corporation to execute and deliver such other instruments of assignment and transfer and to take any such other actions as may be reasonably necessary to assign and transfer the rights as described herein.

This Assignment and Transfer of Certificate of Convenience and Necessity Rights is executed on this the 11th day of September, 2020.

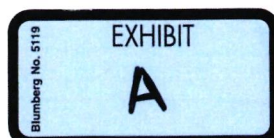
IN WITNESS WHEREOF, Assignor has executed this instrument.

CITY OF BRUCEVILLE-EDDY, TEXAS

By: Gennally Bass
Mayor

ATTEST:

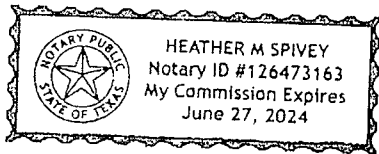
Pam Combs
City Secretary



THE STATE OF TEXAS §
COUNTY OF McLENNAN §

Before me, the undersigned Notary Public, on this day personally appeared CONNALLY BASS, Mayor of the City of Bruceville-Eddy, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of September, 2020.



Heather M Spivey
Notary Public, State of Texas

ELM CREEK WATER SUPPLY CORPORATION

By: [Signature]
Print Name: Teresa Rogers
Title: Office manager

THE STATE OF TEXAS §
COUNTY OF McLennan §

This instrument was acknowledged before me by Teresa Rogers,
Office Manager of Elm Creek Water Supply Corporation on this
30 day of September, 2020.



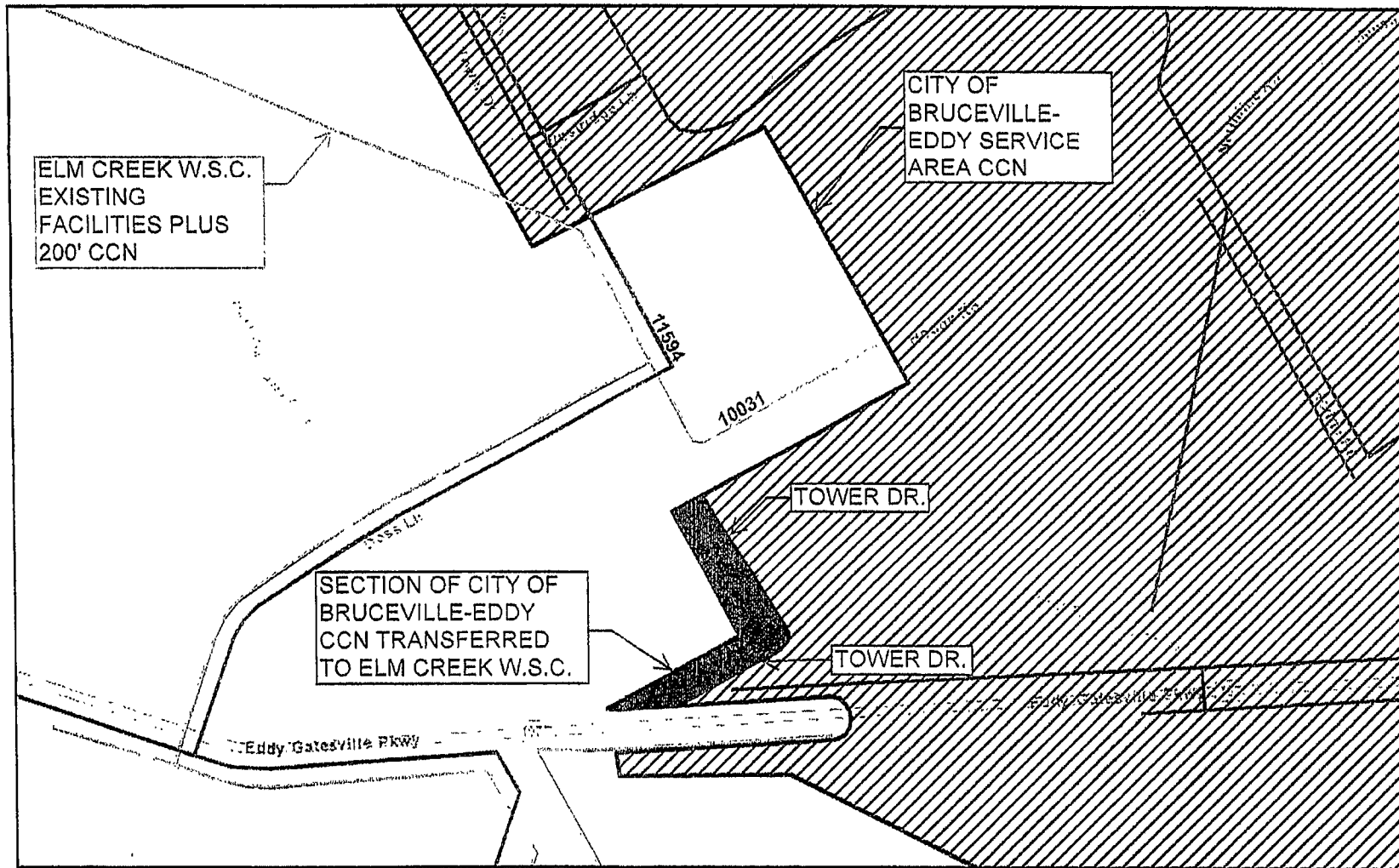
[Signature]
Notary Public, State of Texas

EXHIBIT "A"

**DESCRIPTION OF AREA SUBJECT TO
ASSIGNMENT AND TRANSFER OF
CERTIFICATE OF CONVENIENCE AND NECESSITY RIGHTS**

That area of approximately twenty (20) acres located within the southwest portion of the City of Bruceville-Eddy's water service area (CCN No. 11285), being situated west of Tower Drive, south of Hodge Road and north of State Highway FM 107 in McLennan County, Texas, being the same area as shown in the "L" shaped shaded area described on **Exhibit A-1** which is attached hereto and adopted into this description for all purposes, and also being the same area that is the subject of the Application for Sale, Transfer or Merger of a Rural Public Utility filed in Docket No. 50224 with the Public Utility Commission of Texas.

Public Utility Commission



June 13, 2019

WATER LINES ARE BASED ON SYSTEM MAPS & SERVICE AREAS ARE BASED ON PUC RECORDS.

NORTH

EXHIBIT A-1