



## Filing Receipt

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**DOCKET NO. 50861**

<b>APPLICATION OF MANVILLE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER SUPPLY CORPORATION TO</b>	<b>§</b>	
<b>AMEND ITS CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>LEE AND WILLIAMSON COUNTIES</b>	<b>§</b>	

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Manville Water Supply Corporation to amend its water Certificate of Convenience and Necessity (CCN) number 11144 in Lee and Williamson counties. The Commission amends Manville WSC's CCN number 11144 to add the requested area.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Manville WSC is a Texas non-profit corporation registered with the Texas secretary of state under file number 26785701.
2. Manville WSC operates, maintains, and controls facilities for providing retail water service under CCN number 11144 in Lee, Travis, and Williamson Counties.
3. Manville WSC owns and operates a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under identification number 2270033.

**Application**

4. On May 18, 2020, Manville WSC filed the application at issue in this proceeding, in which it seeks to amend water CCN number 11144 in Lee and Williamson Counties.
5. Manville WSC filed supplements to the application on June 10, July 30, and August 11, 2020.
6. In Order No. 4 filed on October 12, 2020, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

7. On November 13, 2020 and on April 22, 2021, Manville WSC supplemented its application with revised mapping data.
8. Manville WSC's application, as supplemented, seeks to amend CCN number 11144 to add approximately 3,414.5 acres and 54 existing customers to its certificated service area.
9. The requested area is located approximately 4.5 miles northeast of downtown Elgin and is roughly bounded on the north by County Road (CR) 491; on the east by CR 304; on the south by FM 696; and on the west by the intersection of the county line and CR 491.
10. In Order No. 6 filed on January 27, 2021, and Order No. 9 filed on May 24, 2021, the ALJ found the revised mapping sufficient.

#### **Notice**

11. On November 5, 2020, Manville WSC filed the affidavit of Tony Grat, Manville WSC's general manager, attesting that notice was mailed to neighboring utilities, county authorities, municipalities, and affected parties on October 14, 2020.
12. On December 29, 2020, Manville WSC filed a publisher's affidavit attesting to publication of notice in *The Taylor Press*, a newspaper of general circulation in Williamson County, on December 13 and 20, 2020.
13. On January 5, 2021, Manville WSC filed a publisher's affidavit attesting to publication of notice in *The Lexington Leader*, a newspaper of general circulation in Lee County, on December 17 and 24, 2020.
14. In Order No. 6 filed on January 27, 2021, the ALJ found the notice sufficient.

#### **Exclusion from the Proposed CCN Amendment**

15. On November 9, 2020, Berry Baker, a landowner with a tract of land that is at least 25 acres and that is wholly or partially located within the requested area, timely filed an opt-out request.
16. On November 13, 2020, Manville WSC supplemented its application with revised mapping excluding the land owned by Mr. Baker from the requested area.

**Maps and Certificate**

17. On June 25, 2021, Commission Staff emailed the proposed final map and certificate to Manville WSC.
18. On July 12, 2021, Manville WSC filed its consent to the proposed final map and certificate.
19. On July 23, 2021, the proposed map and certificate were included as attachments to Commission Staff's final recommendation.

**Evidentiary Record**

20. On August 6, 2021, the parties filed a joint motion to admit evidence.
21. In Order No. 10 filed on August 11, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the application and all attachments filed on May 18, 2020; (b) Manville WSC's supplemental information filed on June 10, 2020; (c) Manville WSC's supplemental information filed on July 30, 2021; (d) Manville WSC's supplemental information filed on August 11, 2021; (e) Commission Staff's second supplemental recommendation on administrative completeness and proposed notice filed on October 9, 2020; (f) Manville WSC's response to Commission Staff's first requests for information (RFIs) filed on October 19, 2020; (g) Manville WSC's proof of notice and affidavits filed on November 5, 2020; (h) Barry Baker's opt-out request filed on November 9, 2020; (i) Manville WSC's revised mapping data filed on November 12, 2020; (j) Manville WSC's publisher's affidavit for Williamson County filed on December 29, 2020; (k) Manville WSC's publisher's affidavit for Lee County filed on January 5, 2021; (l) Commission Staff's supplemental recommendation on sufficiency of notice and recommendation on sufficiency of mapping filed on January 25, 2021; (m) Manville WSC's response to Commission Staff's second RFIs filed on February 22, 2021; (n) Manville WSC's revised mapping and acreage data filed on April 22, 2021; (o) Commission Staff's recommendation on sufficiency of amended mapping filed on May 21, 2021; (p) Manville WSC's signed consent form filed on July 12, 2021; and (q) Commission Staff's final recommendation, including the attached map and certificate filed, on July 23, 2021.

**Adequacy of Existing Service**

22. Manville WSC currently provides retail water service to 54 existing customers in the requested area through public water system number 2270033 and such service has been adequate.
23. Manville WSC does not have unresolved violations listed in the TCEQ database.
24. The Commission's complaint records show four complaints against Manville WSC involving outages and disconnection of service.

**Need for Service**

25. There is an ongoing need for service because Manville is currently serving 54 existing customers in the requested area.

**Effect of Granting the Amendment**

26. Granting the CCN amendment will allow Manville WSC to continue serving its 54 existing customers and will obligate Manville WSC to provide service to future customers in the requested area.
27. Landowners in the requested area will benefit from granting the application because they will be able to obtain water service from Manville WSC rather than having to drill individual wells.
28. There will be no effect on any other retail public utility serving in the proximate area.
29. All retail public utilities in the proximate area were provided notice of the CCN amendment requested in this proceeding and none sought to intervene.

**Ability to Serve: Managerial and Technical**

30. Manville WSC currently provides water service to 54 customers in the requested area through its public water system number 2270033.
31. Manville WSC does not have any unresolved violations listed in the TCEQ database.
32. Manville WSC has access to an adequate supply of water and is capable of providing drinking water that meets the requirements of chapter 341 of the Texas Health and Safety Code, chapter 13 of the Texas Water Code (TWC), and the TCEQ's rules.

33. Manville WSC has the managerial and technical capability to provide continuous and adequate service to the requested area.

**Feasibility of Obtaining Service from Other Utilities**

34. Manville WSC's certificated service area is adjacent to the requested area.
35. Water utilities within a two-mile radius were properly noticed and none requested to intervene.
36. Manville WSC currently provides service to 54 customers in the requested area.
37. It is not feasible to obtain service from another retail public utility.

**Ability to Serve: Financial Ability and Stability**

38. Manville WSC has a debt-to-equity ratio that is less than one, satisfying the leverage test.
39. Manville WSC demonstrated that it has sufficient cash on hand to cover any projected operations and maintenance shortages during the first five years of operations after approval of the CCN amendment, satisfying the operations test.
40. Manville WSC has the financial ability and stability to provide continuous and adequate service to the requested area.

**Financial Assurance**

41. There is no need to require Manville WSC to provide a bond or other financial assurance to ensure continuous and adequate service.

**Environmental Integrity and Effect on the Land**

42. There will be no effects on environmental integrity and on the land because no additional construction is needed to provide service to the requested area.

**Improvement in Service or Lowering of Cost**

43. Manville WSC will continue to provide water service to the existing customers in the requested area, with no change in rates.
44. Manville WSC will provide water service to the future customers in the requested area with the same level of service and at the same rates it currently charges its existing customers.

**Regionalization and Consolidation**

45. Because construction of a physically separate water system is not required for Manville WSC to serve the requested area, concerns of regionalization or consolidation are not applicable.

**Informal Disposition**

46. More than 15 days have passed since the completion of notice provided in this docket.
47. The sole opt-out request has been properly honored.
48. No person filed a protest or motion to intervene.
49. Manville WSC and Commission Staff are the only parties to this proceeding.
50. No party requested a hearing and no hearing is needed.
51. Commission Staff recommended that the application be approved.
52. The decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under TWC §§ 13.041, 13.241, 13.242, 13.244, and 13.246.
2. Manville WSC is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31) and a water supply corporation as defined by TWC § 13.002(24) and 16 TAC § 24.3(40).
3. Manville WSC's application meets the requirements of TWC § 13.244.
4. Manville WSC provided notice of the application that complies with TWC § 13.246 and 16 TAC § 24.235.
5. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act<sup>1</sup>, the TWC, and Commission rules.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001–.903.

6. After consideration of the factors in TWC §§ 13.241(a) and 13.246(c) and 16 TAC §24.227(e), Manville WSC demonstrated that it has adequate financial, managerial, and technical capability to provide continuous and adequate service in the requested service area and its current service area in Lee and Williamson Counties, as required by TWC § 13.241(a) and 16 TAC § 24.227.
7. Regionalization or consolidation concerns under TWC § 13.241(d) do not apply in this proceeding because construction of a physically separate water system is not required.
8. It is not necessary for Manville WSC to provide a bond or other financial assurance under TWC § 13.246(d) or 16 TAC § 24.227(f).
9. Manville WSC demonstrated that the amendment to water CCN number 11144 to include the requested area is necessary for the service, accommodation, convenience, or safety of the public, as required by TWC § 13.246(b) and 16 TAC § 24.227(d).
10. Under TWC § 13.257(r) and (s), Manville WSC must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Lee and Williamson Counties within 31 days of receiving this Notice of Approval and submit evidence of the recording to the Commission.
11. The requirements for informal disposition in 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 amends Manville WSC's CCN number 11144 to add 3,414.5 acres to its certificate service area as described in this Notice of Approval and shown on the map attached to this Notice of Approval.
2. The Commission approves the map attached to this Notice of Approval.
3. The Commission issues the certificate attached to this Notice of Approval.



4. Manville WSC must provide service to every customer and applicant for service within the approved area under CCN number 11144 who requests water service and meets the terms of Manville WSC's water service, and such service must be continuous and adequate.
5. Manville WSC must comply with the recording requirements of TWC § 13.257(r) and (s) for the areas in Lee and Williamson Counties affected by the application and file in this docket proof of the recording no later than 45 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

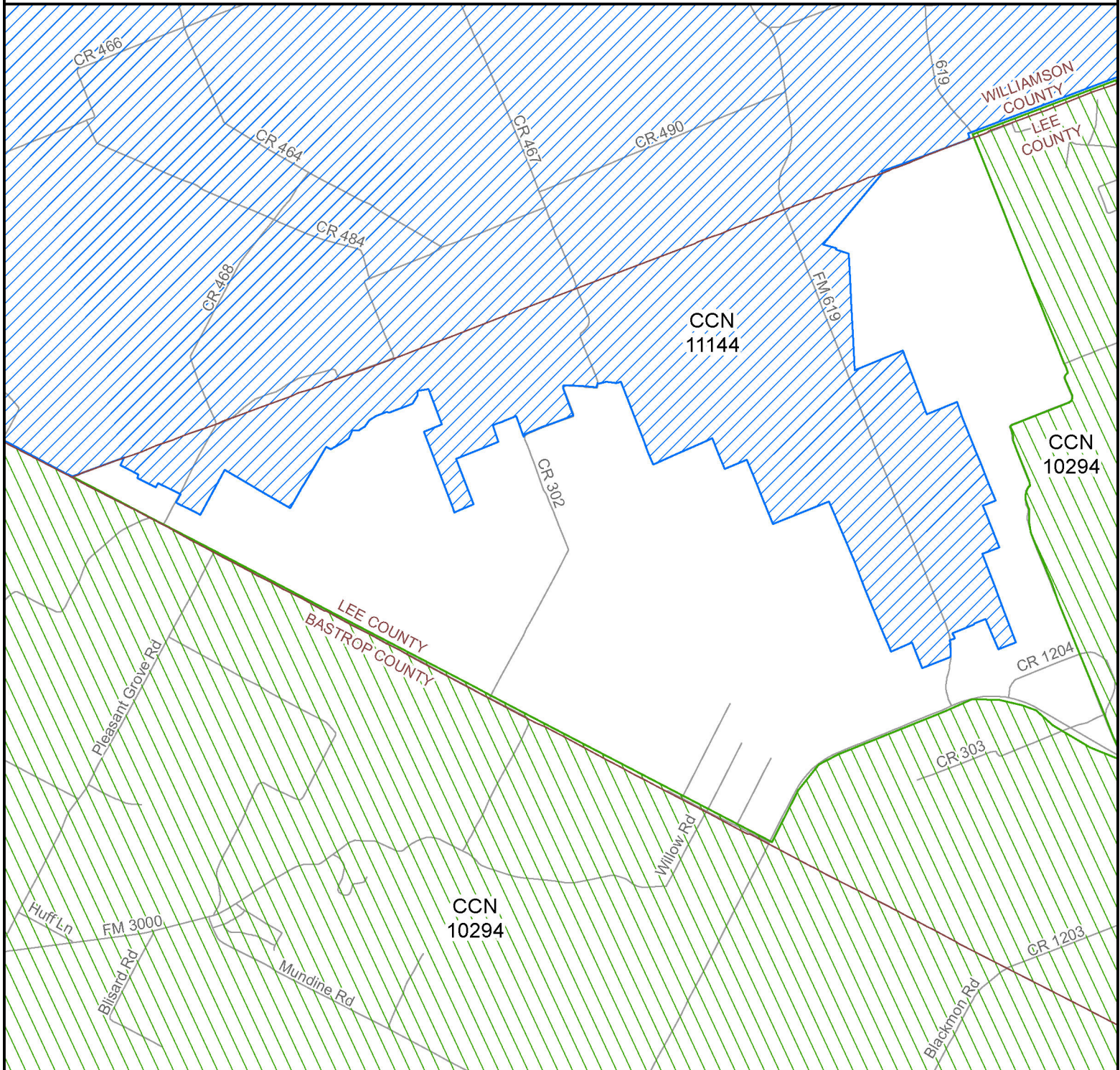
**Signed at Austin, Texas the 17th day of September 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**

Manville Water Supply Corporation  
Portion of Water CCN No. 11144  
PUC Docket No. 50861  
Amended CCN No. 11144 in Lee and Williamson Counties



**Water CCN**

-  11144 - Manville WSC
-  10294 - Aqua WSC

0 2,250 4,500  
Feet





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Manville 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, Manville Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 11144**

to provide continuous and adequate water utility service to that service area or those service areas in Travis and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50861 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 Manville 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.