



Control Number: 51199



Item Number: 10

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DOCKET NO. 51199

**PETITION OF TRINITY BAY
CONSERVATION DISTRICT AND GULF
COAST AUTHORITY FOR APPROVAL
OF SERVICE AREA CONTRACT UNDER
TEXAS WATER CODE § 13.248 AND TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
CHAMBERS COUNTY**

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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 in response to Order No. 2, files this Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On August 20, 2020, Trinity Bay Conservation District (Trinity Bay) and Gulf Coast Authority (Gulf Coast) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend sewer Certificates of Convenience and Necessity (CCN) Nos. 20399 and 20465 in Chambers County. The Petitioners seek approval to transfer a portion of the service area under Gulf Coast's sewer CCN No. 20465 to Trinity Bay's sewer CCN No. 20399. The Petitioners' service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253. The requested area is approximately 65,643 acres and has no current connections. On November 9, 2020, Trinity Bay and Gulf Coast each filed a signed consent form.

On September 23, 2020, the administrative law judge (ALJ) filed Order No. 2, finding the petition administratively complete, notice sufficient, and establishing a deadline of December 3, 2020 for Staff to file its final recommendation on the petition. This pleading is, therefore, timely filed.

II. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition, and as detailed in the attached memorandum of Alicia Maloy of the Commission's Infrastructure Division, Staff recommends that the petition be

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approved. Staff further recommends that the Petitioners file certified copies of the attached CCN map, along with a written description of the CCN service areas in the Chambers County Clerk's Office, as required by TWC § 13.257(r) and (s). Copies of the final map and certificates consented to by the Petitioners are attached.

III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued approving the petition.

Dated: December 3, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Daniel Moore
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DOCKET NO. 51199

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 3, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore

Public Utility Commission of Texas

Memorandum

TO: Daniel Moore, Attorney
Legal Division

FROM: Alicia Maloy, Senior Infrastructure Analyst
Infrastructure Division

DATE: December 3, 2020

RE: Docket No. 51199 – *Petition of Trinity Bay Conservation District and Gulf Coast Authority for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Chambers County*

On August 20, 2020, Trinity Bay Conservation District (Trinity Bay) and Gulf Coast Authority (Gulf Coast) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Trinity Bay's sewer certificate of convenience and necessity (CCN) No. 20399 and Gulf Coast's sewer CCN No. 20465 in Chambers County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Trinity Bay and Gulf Coast entered into a contractual agreement that transfers a portion of Gulf Coast's sewer CCN to Trinity Bay. The Petitioners will not transfer assets or facilities under the terms of the agreement. The sewer service area the Petitioners have contracted to transfer consists of approximately 65,643 acres and does not contain any customers currently served by Gulf Coast.

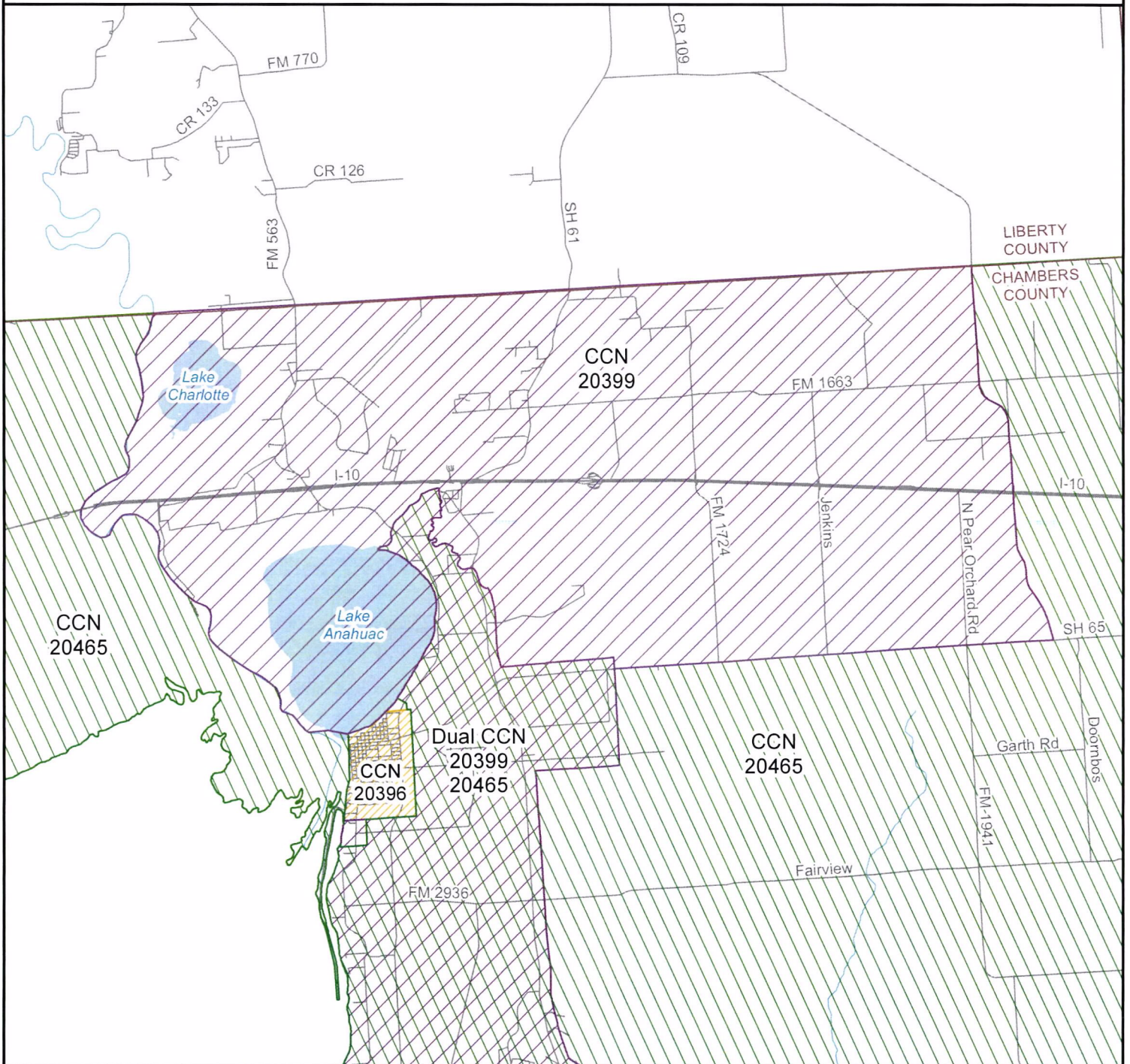
Individual notice was not required for this petition because there are no affected customers in the area subject to the transfer. The Petitioners submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c).

The petition meets all applicable statutory requirements of TWC Chapter 13 and 16 TAC Chapter 24 rules and regulations. Therefore, I recommend approval of the petition.

The Petitioners consented to the attached map and certificates on November 9, 2020.



Trinity Bay Conservation District
Portion of Sewer CCN No. 20399
PUC Docket No. 51199

13.248 Agreement Amended CCN No. 20399 and
Decertified a Portion of Gulf Coast Waste Disposal Authority, CCN No. 20465 in Chambers County



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

Sewer CCN

-  20399 - Trinity Bay Conservation District
-  20465 - Gulf Coast WDA
-  20396 - City of Anahuac

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Miles



Map by: Komal Patel
Date created: October 30, 2020
Project Path: n:\finalmapping\
51199TrinityBay.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Trinity Bay Conservation District

having obtained certification to provide sewer 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, Trinity Bay Conservation District is entitled to this

Certificate of Convenience and Necessity No. 20399

to provide continuous and adequate sewer utility service to that service area or those service areas in Chambers County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51199 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 Trinity Bay Conservation District 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 _____ 2020.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Gulf Coast Authority

having obtained certification to provide sewer 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, Gulf Coast Authority is entitled to this

Certificate of Convenience and Necessity No. 20465

to provide continuous and adequate sewer utility service to that service area or those service areas in Chambers County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51199 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 Gulf Coast Authority 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 _____ 2020.