



## Filing Receipt

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**DOCKET NO. 51359**

<b>APPLICATION OF G&amp;W WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SUPPLY CORPORATION AND THE</b>	<b>§</b>	
<b>CITY OF HEMPSTEAD TO</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DISCONTINUE WATER SERVICE</b>	<b>§</b>	
<b>AND DECERTIFY A PORTION OF</b>	<b>§</b>	
<b>G&amp;W WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>WALLER COUNTY</b>	<b>§</b>	

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of G&W Water Supply Corporation and the City of Hempstead to discontinue water service and decertify approximately 120 acres of G&W WSC's service area under certificate of convenience and necessity (CCN) number 12391 in Waller County. The Commission amends G&W WSC's CCN number 12391 to decertify the requested area as described in this Notice of Approval and as shown on the attached map.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants**

1. G&W WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 106049001.
2. G&W WSC operates, maintains, and controls facilities for providing retail water service in Waller County under CCN number 12391.
3. The City of Hempstead is a municipal water utility located in Waller County.
4. Hempstead does not hold a CCN with the Commission.

**Application**

5. On September 23, 2020, G&W WSC and Hempstead filed the application at issue in this proceeding seeking to decertify a portion of G&W WSC's certificated service area under CCN number 12391.

6. On October 28, December 15, 16, and 21, 2020 and January 15 and 22, 2021, the applicants filed supplemental information.
7. The requested area to be decertified is located approximately 1.3 miles northwest of downtown Hempstead, Texas, and is generally bounded on the north by Whit Loggins Road; on the east by Howth Road; on the south by US Highway 290; and on the west by Jones Road.
8. The requested area includes approximately 120 acres and no customers.
9. In Order No. 7 filed on April 9, 2021, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

### **Notice**

10. On May 10, 2021, Hempstead filed the affidavit of Dave Shelburne, Hempstead's mayor, attesting that notice was mailed to neighboring utilities, county authorities, municipalities, landowners, and affected parties on April 12, 2021.
11. On May 10, 2021, Hempstead filed a publisher's affidavit attesting to the publication of notice in *The Waller Times*, a newspaper of general circulation in Waller County, on April 28 and May 5, 2021.
12. In Order No. 8 filed on June 1, 2021, the ALJ found the notice sufficient.

### **Evidentiary Record**

13. On October 20, 2021, the parties filed a joint motion to admit evidence and proposed notice of approval.
14. On October 25, 2021, the parties filed a revised joint motion to admit evidence and proposed notice of approval.
15. In Order No. 14 filed on November 3, 2021, the ALJ admitted the following into evidence:  
(a) G&W WSC and Hempstead's application filed on September 23, 2020;  
(b) Commission Staff's recommendation on administrative completeness and proposed notice filed on October 23, 2020; (c) G&W WSC's tariff filed on October 28, 2020;  
(d) G&W WSC and Hempstead's supplemental application information filed on December 15 and 16, 2020; (e) G&W WSC and Hempstead's supplemental mapping information filed on December 21, 2020 and January 15, 2021; (f) G&W WSC and

Hempstead's response to Commission Staff's first requests for information filed on January 22, 2021; (g) Commission Staff's supplemental recommendation on administrative completeness and proposed procedural schedule filed on April 7, 2021; (h) Hempstead's proof of notice filed on May 10, 2021; (i) Commission Staff's recommendation on sufficiency of notice filed on May 27, 2021; (j) Commission Staff's recommendation on further processing of the application and motion to restyle filed on August 13, 2021; (k) G&W WSC and Hempstead's response to Order No. 11 filed on August 23, 2021; (l) G&W WSC and Hempstead's consent forms filed on September 24, 2021; (m) Commission Staff's final recommendation filed on October 11, 2021; and (n) the final map and certificate as attached to the revised joint motion to admit evidence filed on October 25, 2021.

**Circumstances of Decertification and Consent of Certificate Holder**

16. The requested area has not been developed.
17. G&W WSC has no customers and owns no facilities in the requested area.
18. G&W WSC has never provided service in the requested area.
19. G&W WSC consented in writing to the decertification of the requested area.
20. Decertification of the requested area will not impact G&W's ability to serve its other customers in its certificated areas under CCN number 12391.

**Effect on Customers and Landowners**

21. There are no customers in the affected area being decertified.

**Costs Associated with Bringing Utility Into Compliance**

22. There are no facilities in the area being decertified.

**Applicant's Diligence in Locating Alternative Sources of Service**

23. G&W WSC has diligently sought and already has secured an alternative source of service for the requested area through Hempstead.

**Applicant's Efforts to Sell the Utility; Running Advertisements, Contacting Other Retail Public Utilities, or Discussing Cooperative Organization with the Customers**

24. There are no facilities in the affected area being decertified.

**The Asking Price for Purchase of the Utility as it Relates to the Undepreciated Original Cost of the System for Ratemaking Purposes**

25. There are no facilities in the affected area being decertified.

**The Relationship Between the Applicant and the Original Developer of the Area's Services**

26. There is no original developer of the area's services and there are no facilities in the affected area being decertified.

**Availability of Alternative Sources of Service, Adjacent Retail Public Utilities, or Groundwater**

27. G&W WSC has diligently sought and already secured an alternative source of service for the requested area through the City of Hempstead.

**Feasibility of Customers and Landowners to Obtain Service from Alternative Sources; Costs to the Customer, Quality of Service Available from the Alternative Source, and Length of Time Before Full Service Can Be Provided**

28. There are no existing customers located within the transfer area.

**Adequate Compensation**

29. G&W WSC received a check totaling \$50,000 from Hempstead.

**Map and Certificate**

30. On September 20, 2021, Commission Staff emailed its proposed map and certificate to G&W WSC and Hempstead for their consent.

31. On September 24, 2021, G&W WSC and Hempstead filed their executed consent forms for the final map and certificate.

32. The proposed map and certificate were filed as attachments the revised joint motion to admit evidence and proposed notice of approval filed on October 25, 2021.

**Informal Disposition**

33. More than 15 days have passed since the completion of notice provided in this docket.

34. No person filed a protest or motion to intervene.

35. G&W WSC, Hempstead, and Commission Staff are the only parties to this proceeding.

36. No party requested a hearing and no hearing is needed.

37. Commission Staff recommended that the application be approved.

38. This 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 Texas Water Code (TWC) §§ 13.041, 13.242, 13.244, 13.246, and 13.254.
2. G&W WSC is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31) and a water supply corporation as defined in TWC § 13.002(24) and 16 TAC § 24.3(40).
3. Hempstead is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31) and a municipally owned utility as defined in TWC § 13.002(13) and 16 TAC § 24.3(22).
4. G&W WSC and Hempstead's application meets the requirements of TWC § 13.244.
5. The applicants provided notice of the application that complies with TWC § 13.246 and 16 TAC §§ 24.235, 24.245(d)(2)(A), and 24.249(c).
6. The Commission processed the application as required by the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
7. G&W WSC met the requirements of TWC § 13.254 and 16 TAC §§ 24.245 and 24.249 for decertification of and cessation of operations in the requested area.
8. Under TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E), G&W WSC consented to decertification of the requested area in writing.
9. Under TWC § 13.254(h), after decertification of the requested area, G&W WSC will no longer be obligated to serve the requested area.
10. Under TWC § 13.257 (r) and (s), G&W WSC must record a certified copy of the certificate granted and map approved by this Notice of Approval, along with a boundary description of the service area, in the real property records of Waller County within 31 days of receiving this Notice of Approval and submit to the Commission evidence of the recording.

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

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 G&W WSC CCN number 12391 to decertify the requested area as described in this Notice of Approval and as shown on the attached map.
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. G&W WSC must comply with the recording requirements of TWC § 13.257(r) and (s) for the areas in Waller County affected by this application and must file evidence of the recording in this docket no later than 45 days after receipt of this Notice of Approval.
5. 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 16th day of November 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

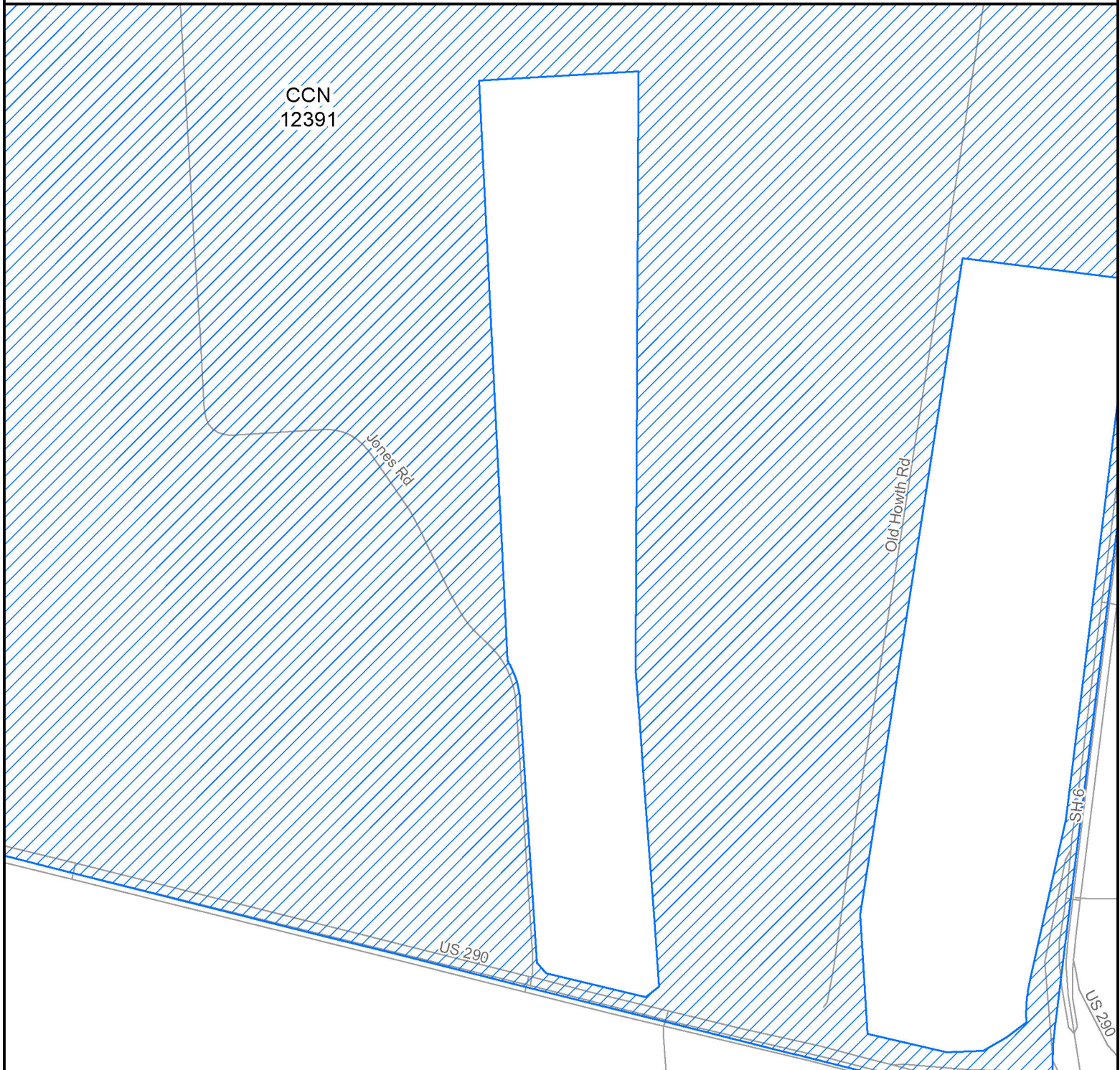


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**CHRISTINA DENMARK**  
**ADMINISTRATIVE LAW JUDGE**



G & W Water Supply Corporation  
Portion of Water CCN No. 12391  
PUC Docket No. 51359  
Decertified a Portion of CCN No. 12391 per § 24.249 in Waller County



**Water CCN**

 12391 - G & W WSC

0 450 900  
Feet







# **Public Utility Commission of Texas**

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

## **G & W 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, G&W Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 12391**

to provide continuous and adequate water utility service to that service area or those service areas in Grimes and Waller Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51359 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 G&W 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.