



Control Number: 51513



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**DOCKET NO. 51513**

**PETITION OF KEMPNER WATER  
SUPPLY CORPORATION AND THE  
CITY OF GEORGETOWN FOR  
APPROVAL OF SERVICE AREA  
CONTRACT UNDER TEXAS WATER  
CODE § 13.248 AND TO AMEND  
CERTIFICATES OF CONVENIENCE  
AND NECESSITY IN BELL COUNTY**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS, NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the application be deemed administratively complete and that notice be deemed sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On November 12, 2020, Kempner Water Supply Corporation (Kempner WSC) and the City of Georgetown (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend water certificates of convenience and necessity (CCN) in Bell County. Specifically, the Petitioners seek to transfer 7,617.6 acres of water service area from the City of Georgetown's CCN number 12369 to Kempner WSC's CCN number 10456. The Petitioners' service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

On November 13, 2020, Order No. 1 was filed, requiring Staff to file comments on the administrative completeness of the petition, sufficiency of notice, and to propose a procedural schedule by December 14, 2020. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

After review, and as detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, Staff recommends that the petition satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that the petition be deemed administratively complete.

### **III. NOTICE**

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority's board decides to enter into a contract at a duly posted meeting, then the meeting agenda and minutes of the meeting can serve as notice. The meeting agendas and minutes for the applicable Kempner WSC and City of Georgetown meetings were filed as notice of the petition. Affidavits attesting to notice, signed by representatives from both Kempner WSC and the City of Georgetown, were also filed with the petition. Staff also recommends that individual notice under 16 TAC § 24.253(c)(1) is not required because the service area to be transferred does not contain any existing connections served by the City of Georgetown.

### **IV. PROPOSED PROCEDURAL SCHEDULE**

Staff and the Petitioners have conferred and propose the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for intervention	December 28, 2020
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	January 28, 2021
Deadline for Petitioners to file signed consent forms with the Commission	February 11, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	February 25, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors in December 10, 2020 Texas Water Code § 13.246(c), and conclusions of law	March 11, 2021

### **V. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: December 14, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Creighton R. McMurray  
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**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 on December 14, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray  
Creighton R. McMurray

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Creighton McMurray, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** December 14, 2020

**RE:** Docket No. 51513 – *Petition of Kempner Water Supply Corporation and the City of Georgetown for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Bell County*

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On November 12, 2020, Kempner Water Supply Corporation (Kempner WSC) and the City of Georgetown (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Kempner WSC's water certificate of convenience and necessity (CCN) No. 10456 and the City of Georgetown's water CCN No. 12369 in Bell County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Kempner WSC and the City of Georgetown entered into a contractual agreement which permits Kempner WSC to provide water services within the agreed upon water service area. Petitioners will not transfer assets or facilities under the terms of the agreement. The water service area the Petitioners contracted to transfer consists of approximately 7,618 acres and no customers.

The Petitioners submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Kempner WSC and the City of Georgetown submitted copies of their Board and City Council meeting minutes approving the agreement and agendas that were posted prior to each meeting. Both Petitioners also provided affidavits attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

Based on the mapping review by Gary Horton, Infrastructure Division and my review of the petition, I recommend that the petition be deemed administratively complete and sufficient for filing.