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DOCKET NO. 51657

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
ANNA TO AMEND ITS CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	OF TEXAS
IN COLLIN COUNTY	§	

**JOINT REQUEST FOR RULING ON ADMINISTRATIVE COMPLETENESS AND
MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

On December 28, 2020, the City of Anna (Anna) filed an application to amend its sewer certificate of convenience and necessity number 20898 in Collin County, Texas. The requested service area consists of 105 acres with no current customers.

On November 17, 2023, the administrative law judge (ALJ) filed Order No. 13, which required the parties to submit a joint motion to admit evidence and proposed notice of approval by January 19, 2024. Therefore, this pleading is timely filed.

I. REQUEST FOR RULING ON ADMINISTRATIVE COMPLETENESS

The Parties note that the ALJ has not filed an order ruling on the administrative completeness of the application. The Parties respectfully request that the ALJ file an order ruling on the administrative completeness of the application.

II. MOTION TO ADMIT EVIDENCE

The Parties request the entry of the following items into the record of this proceeding:

- a. Anna's application, filed on December 28, 2020 (Interchange Item No. 1);
- b. Anna's First Supplement, filed on January 7, 2021 (Interchange Item No. 4);
- c. Anna's Response to Commission Staff's First Request for Information to Anna, filed on March 24, 2021 (Interchange Item No. 8);
- d. Anna's Second Supplement, filed on April 8, 2021 (Interchange Item No. 11);
- e. Commission Staff's Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule, filed on April 26, 2021 (Interchange Item No. 13);
- f. Anna's Proof of Notice, filed on June 4, 2021 (Interchange Item No. 15);
- g. Anna's Supplemental Proof of Notice, filed on June 22, 2021 (Interchange Item No. 16);
- h. Commission Staff's Recommendation on Sufficiency of Notice, filed on June 24, 2021 (Interchange Item No. 17);

- i. Anna's Third Supplement, filed on September 10, 2021 (Interchange Item No. 20);
- j. Commission Staff's Second Request for Information to Anna, filed on September 24, 2021 (Interchange Item No. 23);
- k. Anna's Fourth Supplement, filed on October 26, 2021 (Interchange Item No. 27);
- l. Anna's Fifth Supplement, filed on October 2, 2023 (Interchange Item No. 49);
- m. Anna's Consent Form, filed on December 7, 2023 (Interchange Item No. 57); and
- n. The attached map and certificate.

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached proposed notice of approval, which would grant Anna's application to amend its sewer CCN number 20898. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs included in the proposed notice of approval.

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the attached proposed notice of approval be adopted.

Dated: January 19, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 via electronic mail on January 19, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

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APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
ANNA TO AMEND ITS CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	OF TEXAS
IN COLLIN COUNTY	§	

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Anna (Anna) to amend its sewer certificate of convenience and necessity (CCN) number 20898 to add 105 uncertificated acres in Collin County. The Commission amends Anna's sewer CCN number 20898 to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicant

1. Anna is a municipality in Collin County.
2. Anna operates, maintains, and controls facilities for providing retail sewer service under CCN number 20898 in Collin County.
3. Anna has received approval from the Texas Commission on Environmental Quality (TCEQ) to construct a sewer system, permitted as the Hurricane Creek Regional Wastewater Treatment Plant, under Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016043001.

Application

4. On December 28, 2020, Anna filed an application to amend its sewer CCN in Collin County.
5. Anna filed supplemental information on January 7, 2021, April 8, 2021, June 22, 2021, September 10, 2021, October 26, 2021, and October 2, 2023.
6. The application, as supplemented, seeks to amend Anna's sewer CCN number 20898 to add 105 acres and no current connections.
7. The requested includes 0 current customers, is located approximately 4 mile(s) southeast of downtown Anna, Texas, and is generally bounded on the north by a line

approximately 700' north of County Road 286; on the east by County Road 277; on the south by County Road 286; and on the west by East Fork Trinity River.

8. In Order No. __ filed on __, the administrative law judge (ALJ) found the application administratively complete.

Notice

9. On June 4, 2021, Anna filed the affidavit of Todd Strouse, authorized representative for Anna, attesting that notice was provided to all entities, landowners, and affected parties except the Greater Texoma Utility Authority on May 12, 2021.
10. On June 4, 2021, Anna filed a publisher's affidavit attesting to the publication of notice in the Anna-Melissa Tribune, a newspaper of general circulation in Collin County, on May 13, 2021 and May 20, 2021.
11. On June 22, 2021, Anna filed the affidavit of Todd Strouse, authorized representative for Anna, attesting that notice was provided to the Greater Texoma Utility Authority on June 21, 2021.
12. In Order No. 5 filed on June 29, 2021, the ALJ found the notice sufficient.

Evidentiary Record

13. On January 19, 2024, Commission Staff filed an agreed motion to admit evidence and proposed notice of approval.
14. In Order No. 14 filed on _____, 2024, the ALJ admitted the following into evidence:
 - a. Anna's application, filed on December 28, 2020 (Interchange Item No. 1);
 - b. Anna's First Supplement, filed on January 7, 2021 (Interchange Item No. 4);
 - c. Anna's Response to Commission Staff's First Request for Information to Anna, filed on March 24, 2021 (Interchange Item No. 8);
 - d. Anna's Second Supplement, filed on April 8, 2021 (Interchange Item No. 11);
 - e. Commission Staff's Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule, filed on April 26, 2021 (Interchange Item No. 13);
 - f. Anna's Proof of Notice, filed on June 4, 2021 (Interchange Item No. 15);
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- h. Commission Staff's Recommendation on Sufficiency of Notice, filed on June 24, 2021 (Interchange Item No. 17);
- i. Anna's Third Supplement, filed on September 10, 2021 (Interchange Item No. 20);
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- l. Anna's Fifth Supplement, filed on October 2, 2023 (Interchange Item No. 49);
- m. Anna's Consent Form, filed on December 7, 2023 (Interchange Item No. 57); and
- n. The attached map and certificate.

Adequacy of Existing Service

- 15. There are no customers in the requested area, so sewer services are not currently being provided in the requested area.
- 16. Capital improvements are necessary for Anna to provide continuous and adequate sewer service to the requested area.
- 17. Anna provided a budget, an estimated timeline for construction, and a keyed map showing where facilities will be located.

Need for Service

- 18. John H. Rattan is the owner of three properties in the requested area and requested sewer service from Anna.

Effect of Approving the Application and Amending the Certificate

- 19. Anna will be the certificated sewer utility for the requested area and will be required to provide continuous and adequate sewer service to the requested area.
- 20. The landowner in the requested area will benefit from having a sewer provider available as the landowner has requested sewer service from Anna.
- 21. All retail public utilities in the proximate area were provided notice of the transaction taking place in this application.
- 22. None of the retail public utilities in the proximate area offered to provide service to the requested area, protested the application, or requested to intervene.
- 23. There will be no effect on any other retail public utility servicing the proximate area.

Ability to Serve: Managerial and Technical

24. Anna received approval from the TCEQ to construct the sewer system permitted as the Hurricane Creek Regional Wastewater Treatment Plant, under Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016043001.
25. The application included a TCEQ TPDES approval letter for the sewer system to serve the requested areas.
26. Anna has TCEQ-licensed sewer operators that will be responsible for the operation of the sewer facilities in the requested area.
27. Anna has the managerial and technical capability to provide continuous and adequate service to the requested area.

Feasibility of Obtaining Service from Adjacent Retail Public Utility

28. Anna received a request for service from John H. Rattan, the owner of the three properties in the requested area.
29. Anna has a TCEQ-approved TPDES permit to build facilities in the requested area to serve future customers and will have sufficient capacity to serve the requested area.
30. It is not feasible to obtain service from an adjacent retail public utility.

Regionalization or Consolidation

31. Anna must construct a physically separate sewer system to serve the requested area.
32. Anna demonstrated that regionalization or consolidation with an adjacent retail public utility is not economically feasible.

Ability to Serve: Financial Ability and Stability

33. Anna has a debt-to-equity ratio that is less than one, which satisfying the leverage test.
34. Anna has sufficient cash available to cover any projected operations and maintenance shortages in the first five years of operations, satisfying the operations test.
35. Anna provided a firm capital commitment demonstrating adequate cash funding of the planned system improvements.
36. Anna demonstrated the financial capability and stability to pay for the facilities necessary to provide continuous and adequate sewer service to the requested area.

Financial Assurance

37. There is no need to require Anna to provide a bond or other financial assurance to ensure continuous and adequate service.

Environmental Integrity and Effect on the Land

38. The environmental integrity of the land will be minimally affected as facilities are constructed to provide service to the requested area.
39. The land and environmental integrity of the requested area will not be affected to such a degree that the application should not be granted.

Improvement in Service or Lowering Cost to Consumers

40. No lowering of cost to consumers in the requested area will result from granting the CCN amendment because there are no existing customers in the requested area.
41. New customers requiring service in the requested area will benefit by being able to receive sewer service from Anna.

Map and Certificate

42. On December 6, 2023, Commission Staff emailed the proposed final map and certificate to Anna.
43. On December 7, 2023, Anna filed its consent to the proposed final map and certificate.
44. On January 19, 2024, Commission Staff filed the proposed final map and certificate as attachments to the Agreed Motion to Admit Evidence.

Informal Disposition

45. More than 15 days have passed since the completion of notice provided in this docket.
46. No party filed a protest or motion to intervene.
47. Commission Staff and Anna are the only parties to this proceeding.
48. No party requested a hearing and no hearing is necessary.
49. The decision is not adverse to any party.

II. Conclusion of Law

The Commission makes the following conclusions of law:

1. The Commission has jurisdiction over this proceeding under TWC §§ 13.041, 13.241, 13.244, and 13.246.
2. Anna is a retail public utility as defined by TWC § 13.002(19) and 16 TAC § 24.3(31).
3. Notice of the application complies with TWC § 13.246 and 16 TAC § 24.235.

4. The Commission processed the application as required by chapter 13 of the TWC, the Administrative Procedure Act,¹ and Commission rules.
5. The Commission considered the factors in TWC § 13.246(c) and 16 TAC § 24.227(e) when evaluating Anna's application.
6. Anna possesses the financial, managerial, and technical capability to provide continuous and adequate sewer service to the requested service areas as required by TWC § 13.241 and 16 TAC § 24.227.
7. It is not necessary for Anna to provide a bond or other financial assurance under TWC § 13.246(d) and 16 TAC § 24.227(f).
8. Anna demonstrated that regionalization or consolidation with an adjacent retail public utility is not economically feasible, as required by TWC § 13.241(d).
9. Anna affirmed that funds are available for the construction of the sewer system, permit number WQ0016043001, in compliance with 16 TAC § 24.11(e)(5)(B).
10. Anna demonstrated that the amendments to CCN number 20898 will serve the public interest and are necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(d).
11. Under TWC § 13.257(r) and (s), Anna 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 Collin County within 30 days of this Order and must submit evidence of the recording to the Commission.
12. 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 Anna's sewer CCN number 20898 to add the requested area, as described in this Notice of Approval and as shown on the map attached to this Notice of Approval.
2. The Commission approves the map attached to this Notice of Approval.

¹ Tex. Gov't Code §§ 2001.001-.903.

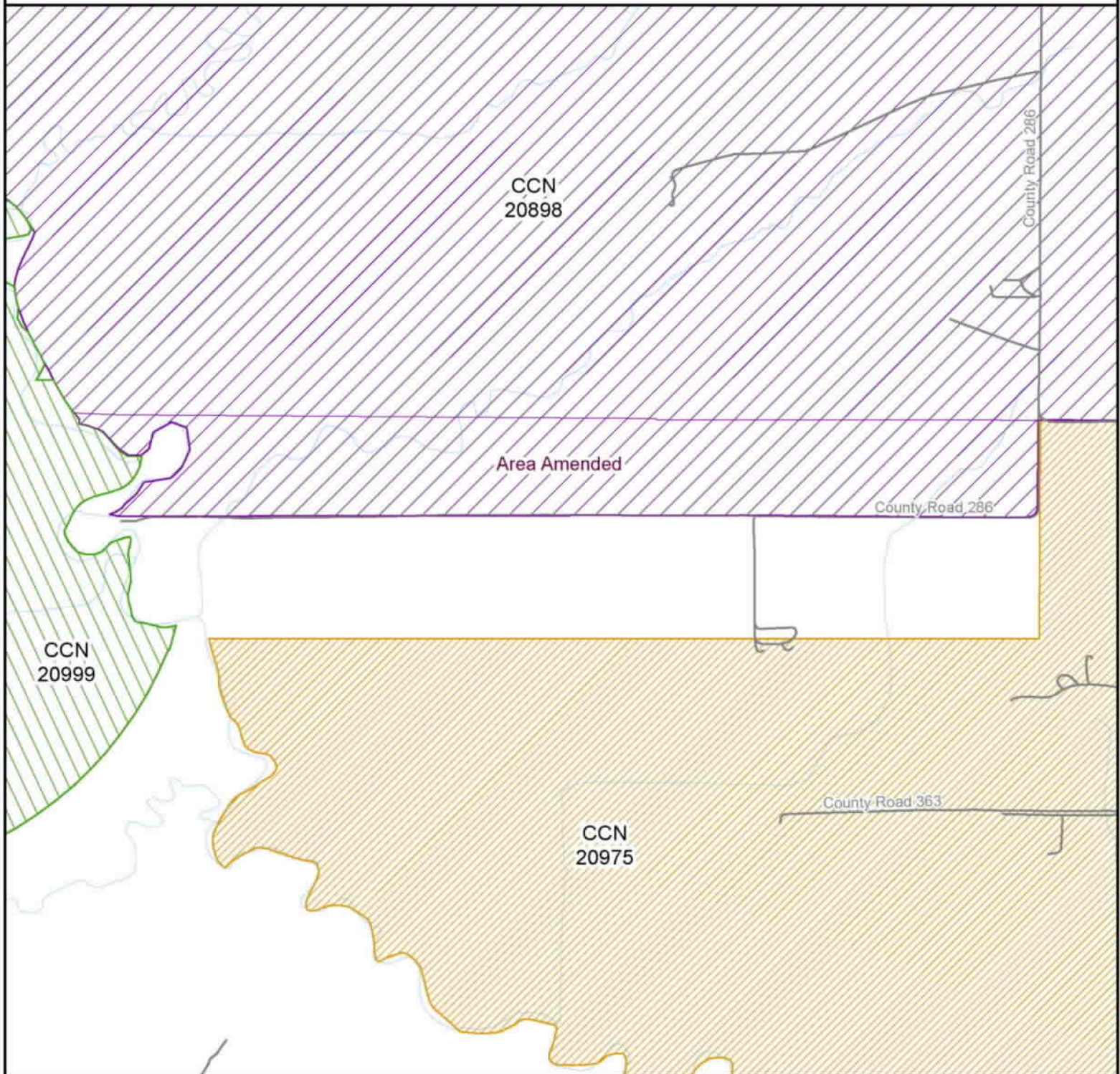
3. The Commission issues the certificates attached to this Notice of Approval.
4. Anna must provide service to every customer and applicant for service within the approved area under sewer CCN number 20898 who requests sewer service and meets the terms of Anna' s sewer service, and such service must be continuous and adequate.
5. Anna must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Collin County affected by this application and file in this docket proof of the recording no later than 30 days after the date 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 _____ day of _____ 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

**SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE**

PUCT Docket No. 51657
City of Anna
Portion of Sewer CCN No. 20898
Amend CCN No. 20898 in Collin County



Sewer CCN

-  20898 - City of Anna
-  20999 - City of Weston
-  20975 - City of Melissa

0 510 1,020
Feet





Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Anna

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, City of Anna is entitled to this

Certificate of Convenience and Necessity No. 20898

to provide continuous and adequate sewer utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51657 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 City of Anna 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.