



## Filing Receipt

**Received - 2022-02-18 02:15:15 PM**  
**Control Number - 51811**  
**ItemNumber - 23**

**DOCKET NO. 51811**

|                                      |          |                                  |
|--------------------------------------|----------|----------------------------------|
| <b>PETITION OF THE CITY OF</b>       | <b>§</b> |                                  |
| <b>GEORGETOWN AND JARRELL-</b>       | <b>§</b> |                                  |
| <b>SCHWERTNER WATER SUPPLY</b>       | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>CORPORATION FOR APPROVAL OF</b>   | <b>§</b> |                                  |
| <b>A SERVICE AREA CONTRACT UNDER</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>TEXAS WATER CODE § 13.248 AND</b> | <b>§</b> |                                  |
| <b>TO AMEND CERTIFICATES OF</b>      | <b>§</b> |                                  |
| <b>CONVENIENCE AND NECESSITY IN</b>  | <b>§</b> |                                  |
| <b>WILLIAMSON COUNTY</b>             | <b>§</b> |                                  |

**JOINT PROPOSED NOTICE OF APPROVAL  
AND MOTION TO ADMIT EVIDENCE**

**COME NOW** City of Georgetown (“Georgetown”), Jarrell-Schwertner Water Supply Corporation (“JSWSC”) and the Staff of the Public Utility Commission of Texas (“Staff”) (collectively, the “Parties”) and submit this “Joint Proposed Notice of Approval and Motion to Admit Evidence” in response to Order No. 8. In support thereof, the Parties show the following:

**I. BACKGROUND**

On February 25, 2021, Georgetown and JSWSC (collectively, the “Applicants”) filed an application (the “Application”) under Texas Water Code (“TWC”) § 13.248 for approval of a service area contract and to amend their respective water certificates of convenience and necessity (“CCNs”) in Williamson County. Further, Applicants filed supplemental information regarding the Application on March 2, March 26, June 3, October 18, and November 17, 2021.

Georgetown holds CCN No. 12369, and JSWSC holds CCN No. 10002. The Applicants, by mutual agreement, seek approval to alter the boundaries of their respective water CCNs and transfer one separate affected service area comprising

4,224 acres and 0 current customers between the Applicants.

The Application was filed pursuant to TWC § 13.248 and 16 Texas Administrative Code ("TAC") § 24.253. Order No. 7, issued by the Commission Administrative Law Judge ("ALJ") on November 22, 2021, established a deadline of February 18, 2022, for the Parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

## **II. JOINT MOTION TO ADMIT EVIDENCE**

The parties request the entry of the following into the record of this proceeding:

1. The Application, filed on February 25, 2021, supplemented on March 2, March 26, June 3, October 18, and November 17, 2021, and all exhibits including the agreement between Georgetown and JSWSC, and Georgetown's City Council meeting minutes (Interchange Items Nos. 3, 5, 7, 11, 16, and 17);
2. Commission Staff's Recommendation on Sufficiency of Application and Notice, filed on November 19, 2021 (Interchange Item No. 18);
3. Georgetown's and JSWSC's executed consent forms, filed on January 13, 2022, and January 14, 2022, respectively (Interchange Item Nos. 20 and 21);
4. Commission Staff's Recommendation on Final Disposition and supporting documentation, filed on February 4, 2022 (Interchange Item No. 22); and
5. The attached final map and certificates.

## **III. JOINT PROPOSED NOTICE OF APPROVAL**

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant the Application. Also attached are the final map and certificates consented to by the Applicants.

## **IV. CONCLUSION**

Staff and Georgetown have agreed that JSWSC is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the items listed above be

admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

**Dated: February 19, 2022**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia Ferguson', is written over a horizontal line.

Patricia Ferguson  
State Bar No. 06918400  
Patricia Ferguson & Associates, LLC  
815 West 5<sup>th</sup> Street  
Clifton, Texas 76634  
pferguson@bosquelaw.com  
Telephone: (254) 675-8663  
Fax: (254) 675-4567

ATTORNEY FOR JSWSC

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Marisa Lopez Wagley  
Managing Attorney

/s/ Kourtnee Jinks  
Kourtnee Jinks  
State Bar No. 24097146  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7265  
(512) 936-7268 (facsimile)  
kourtnee.jinks@puc.texas.gov

Patricia Erlinger Carls (by permission)  
Patricia Erlinger Carls  
State Bar No. 03813425  
Law Offices of Patricia Erlinger Carls  
3100 Glenview Avenue  
Austin, Texas 78703  
tcarls@tcarlslaw.com  
p: (512) 567-0125

ATTORNEY FOR GEORGETOWN

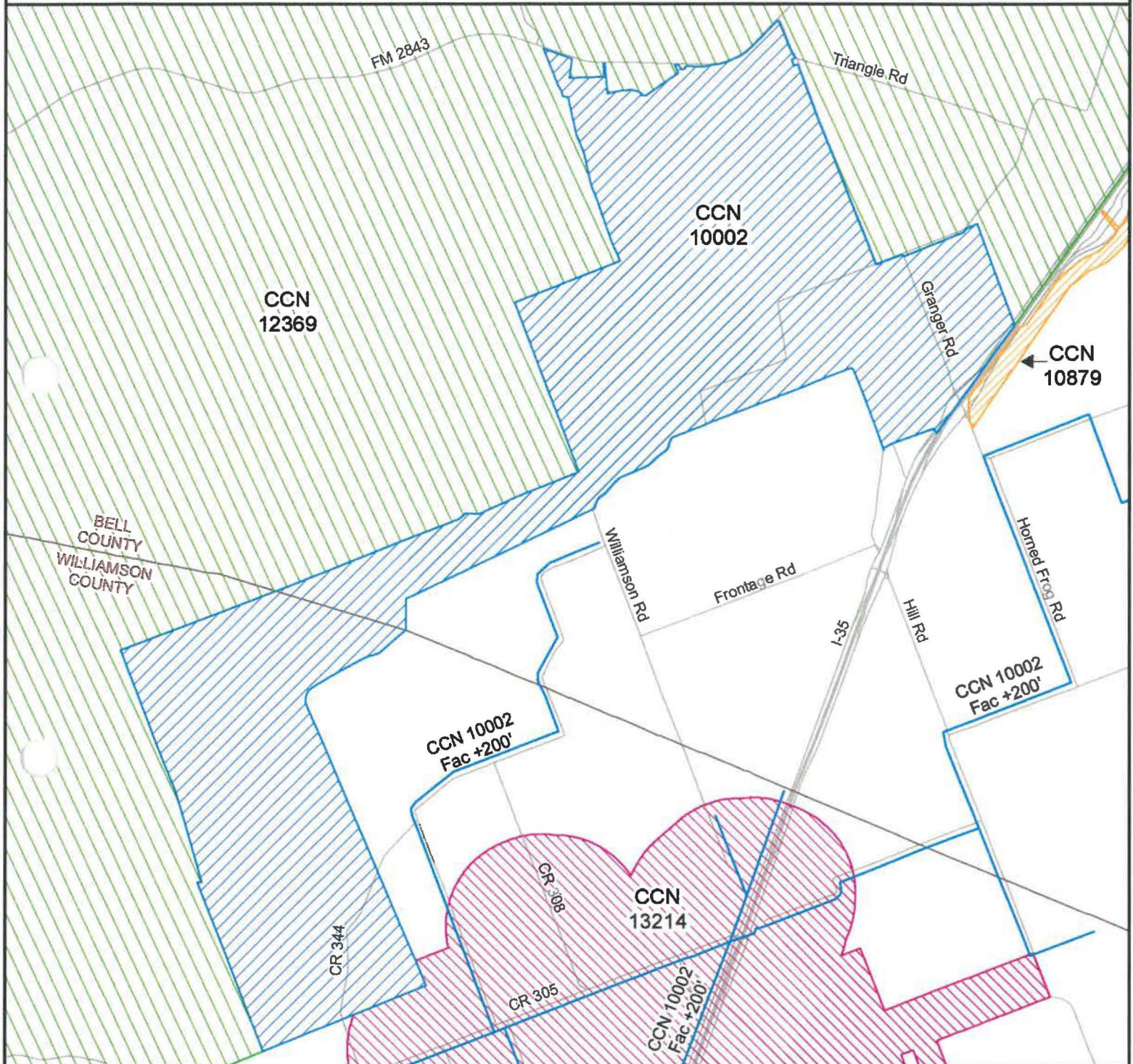
**DOCKET NO. 51811  
CERTIFICATE OF SERVICE**

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 February 18, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

Patricia Ferguson  
Patricia Ferguson



**Jarrell-Schwertner Water Supply Corporation**  
**Portion of Water CCN No. 10002**  
**PUC Docket No. 51811**  
**13.248 Agreement Amended CCN No. 10002 and**  
**Decertified a Portion of City of Georgetown, CCN No. 12369 in Bell and Williamson Counties**



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

### Water CCN

-  10002 - Jarrell-Schwertner WSC
-  12369 - City of Georgetown
-  10879 - Salado WSC
-  13214 - City of Jarrell

### Water CCN Facilities +200'

-  10002 - Jarrell-Schwertner WSC



Map by: Komal Patel  
 Date: December 14, 2021  
 Project: 51811JarrellSchwertner.mxd



# **Public Utility Commission of Texas**

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

**City of Georgetown**

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, City of Georgetown is entitled to this

## **Certificate of Convenience and Necessity No. 12369**

to provide continuous and adequate water utility service to that service area or those service areas in Bell, Burnet, and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51811 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 City of Georgetown 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.





# Public Utility Commission of Texas

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

## **Jarrell-Schwertner 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, Jarrell-Schwertner Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10002**

to provide continuous and adequate water utility service to that service area or those service areas in Bell and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51811 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 Jarrell-Schwertner 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.



**DOCKET NO. 51811**

|                               |   |                           |
|-------------------------------|---|---------------------------|
| PETITION OF THE CITY OF       | § |                           |
| GEORGETOWN AND JARRELL-       | § |                           |
| SCHWERTNER WATER SUPPLY       | § | PUBLIC UTILITY COMMISSION |
| CORPORATION FOR APPROVAL OF   | § |                           |
| A SERVICE AREA CONTRACT UNDER | § | OF TEXAS                  |
| TEXAS WATER CODE § 13.248 AND | § |                           |
| TO AMEND CERTIFICATES OF      | § |                           |
| CONVENIENCE AND NECESSITY IN  | § |                           |
| WILLIAMSON COUNTY             | § |                           |

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the City of Georgetown (“Georgetown”) and Jarrell-Schwertner Water Supply Corporation (“JSWSC”) for approval of a service-area contract under Texas Water Code (“TWC”) § 13.428 and to amend water certificates of convenience and necessity (“CCNs”) in Williamson County. The application seeks to transfer approximately 4,224 acres from Georgetown’s service area under CCN No. 12369 to JSWSC under CCN No. 10002. The Commission approves the service-area contract and amends CCN Nos. 12369 and 10002 accordingly.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants**

1. JSWSC is a Texas non-profit corporation created under TWC Chapter 67.
2. JSWSC operates, maintains, and controls facilities for providing retail water service in Williamson and Bell Counties under water CCN No. 10002.
3. Georgetown is a municipality located in Williamson County, Texas.
4. Georgetown operates, maintains, and controls facilities for providing water service in Williamson County under water CCN No. 12369.

### **Application**

5. On November 24, 2020, JSWSC and Georgetown executed a retail water service agreement (the "Service-Area Contract") to transfer approximately 4,224 acres of service area from Georgetown's CCN No. 12369 to JSWSC's CCN No. 10002.
6. On February 25, 2021, JSWSC and Georgetown filed the application at issue in this proceeding for approval of the Service Area Contract and to amend CCN Nos. 12369 and 10002 (the "Application"). On March 2, March 26, June 3, October 18, and November 17, 2021, Applicants filed supplemental information regarding the Application.
7. The Application included a copy of the Service Area Contract executed by JSWSC and Georgetown.
8. The approximately 4,224 acres that will be transferred to JSWSC's CCN No. 10002 are within Georgetown's CCN No. 12369 in Williamson County.
9. The existing customers within the approximately 4,224 acres of service area to be transferred are currently being served by JSWSC.
10. There will be no transfer of customers, assets, or facilities as a result of the Service Area Contract or the Application.
11. In Order No. 7 filed on November 22, 2021, the administrative law judge ("ALJ") found the Application administratively complete.

### **Notice**

12. On November 24, 2020, Georgetown's City Council approved the Service Area Contract.
13. The Application included a copy of the agenda and minutes from the November 24, 2020 City Council meeting as well as a supporting affidavit from Karen Frost, Georgetown's Assistant City Secretary.
14. In Order No. 2 filed on December 1, 2021, the ALJ found the notice sufficient.

### **Certificates and Map**

15. On January 7, 2022, Commission Staff emailed its proposed map and certificates to the applicants.
16. On January 14, 2022, Georgetown and on January 13, 2022, JSWSC filed their respective consents to the map and certificates provided by Commission Staff.

### **Evidentiary Record**

17. On February 18, 2022, the parties filed a "Joint Motion to Admit Evidence and Notice of Approval."
18. In Order No. \_\_\_ filed on \_\_\_\_\_, 2022, the ALJ admitted the following evidence into the record of this proceeding; (a) the Application, filed on February 25, 2021 along with supplemental information filed on March 2, March 26, June 3, October 18, and November 17, 2021, and all exhibits including the Service Area Contract between Georgetown and JSWSC, and Georgetown's City Council meeting agenda and minutes; (b) Commission Staff's recommendation on sufficiency of the Application and notice, filed on November 19, 2021; (c) Georgetown's executed consent form, filed on January 14, 2022; (d) JSWSC's executed consent form, filed on January 13, 2022; (e) Commission Staff's recommendation on final disposition, filed on February 4, 2022; and (f) the map and certificates filed on February 4, 2022.

### **Informal Disposition**

19. More than 15 days have passed since the completion of the notice provided in this docket.
20. No person filed a protest or motion to intervene.
21. Georgetown, JSWSC, and Commission Staff are the only parties to this proceeding.
22. No party requested a hearing, and no hearing is needed.
23. Commission Staff recommended approval of the Application.
24. 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 the Application under TWC §§ 13.041 and 13.248.
2. Georgetown and JSWSC are retail public utilities as defined in TWC § 13.002(19) and 16 Texas Administrative Code ("TAC") § 24.3(31).
3. Under TWC § 13.248, contracts between retail public utilities designating areas

to be served, when approved by the Commission, are valid and enforceable and incorporated into the affected CCNs.

4. The Application meets the requirements of TWC § 13.248 and 16 TAC § 24.253.
5. Public notice of the Application was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
6. The Application was processed in accordance with the TWC, the Administrative Procedure Act, Tex. Gov't Code Ch 2001, and Commission rules.
7. Under TWC § 13.257(r) and (s), Georgetown and JSWSC are required to record a certified copy of the approved map for their respective CCN amendments, along with boundary descriptions of their respective certificated retail water service areas, in the real property records of Williamson County within 31 days of receiving this Notice of Approval and to submit evidence of the recording to the Commission.
8. The requirements for informal disposition under 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 approves the Application and Service Area Contract to the extent provided in this Notice of Approval.
2. The Commission amends Georgetown's water CCN No. 12369 as described in this Notice of Approval.
3. The Commission amends JSWSC's water CCN No. 10002 as described in this Notice of Approval and as shown in the map attached to this Notice of Approval.
4. The Commission approves the map attached to this Notice of Approval.
5. The Commission issues the certificates attached to this Notice of Approval.
6. JSWSC must provide service to every customer and qualified applicant for water service within the approved area under CCN No. 10002 (as amended) that requests water service and meets the terms of JSWSC's service, and such service must be continuous and adequate.

7. Georgetown must provide service to every customer and qualified applicant for water service within the approved area under CCN No. 12369 (as amended) that requests water service and meets the terms of Georgetown's water service, and such service must be continuous and adequate.
8. Georgetown and JSWSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Williamson County affected by the Application and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice of Approval.
9. The Commission denies all other motions and any other requests for general or specific relief not expressly granted herein.

Signed at Austin, Texas, the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

\_\_\_\_\_  
ADMINISTRATIVE LAW JUDGE