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DOCKET NO. 51863

PETITION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
PFLUGERVILLE AND MANVILLE	§	
WATER SUPPLY CORPORATION	§	
FOR APPROVAL OF SERVICE AREA	§	OF TEXAS
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS COUNTY	§	

AGREED MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

On March 2, 2021, the City of Pflugerville (Pflugerville) and Manville Water Supply Corporation (Manville) (collectively, Petitioners) filed a petition for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend their water certificates of convenience and necessity (CCN) in Travis County. Under the contract, Manville will transfer a portion of its water service area under water CCN number 11144 to Pflugerville's water CCN number 11303. On May 3, 2021, Pflugerville filed supplemental information to the docket.

On August 23, 2021, the administrative law judge filed Order No. 5, establishing a deadline of September 7, 2021, for the Staff of the Public Utility Commission of Texas (Staff), Pflugerville, and Manville (collectively, Parties) to file joint proposed findings of fact and conclusions of law. Therefore, this pleading is timely filed.

I. MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

- a) Pflugerville and Manville's petition and all attachments, filed on March 2, 2021 (Interchange Item No. 1);
- b) Pflugerville's Revised Mapping Documentation Pursuant to Order No. 2, filed on May 3, 2021 (Interchange Item No. 5);
- c) Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule, filed on June 2, 2021 (Interchange Item No. 6);
- d) Pflugerville and Manville's signed consent forms, filed on July 21, 2021 (Interchange Item No. 8); and

- e) Commission Staff's Final Recommendation, including map and certificates, filed on July 30, 2021 (Interchange Item No. 9).

II. PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval, which would grant approval of Petitioners' service area contract and accompanying amendments to transfer service area from Manville's water CCN number 11144 to Pflugerville's water CCN number 11303. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs proposed in the Notice of Approval.

III. CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Proposed Notice of Approval.

Dated: September 7, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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DOCKET NO. 51863
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 September 7, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Justin C. Adkins
Justin C. Adkins

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WATER SUPPLY CORPORATION	§	
FOR APPROVAL OF SERVICE AREA	§	OF TEXAS
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CODE § 13.248 AND TO AMEND	§	
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AND NECESSITY IN TRAVIS COUNTY	§	

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the petition of the City of Pflugerville (Pflugerville) and Manville Water Supply Corporation (Manville) 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 Travis County. The petition seeks to transfer 4.96 acres from Manville’s service area under CCN number 11144 to Pflugerville under CCN number 11303. The Commission approves the service area contract and amends CCN numbers 11144 and 11303.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Pflugerville is a municipality located in Travis County, Texas.
2. Pflugerville operates, maintains, and controls facilities for providing water service in Travis County under CCN number 11303.
3. Manville WSC is a Texas non-profit water supply corporation registered with the Texas secretary of state under file number 26785701.
4. Manville WSC operates, maintains, and controls facilities for providing retail water service in Travis, Williamson, and Lee Counties under water CCN number 11144.

Application

5. On or about January 14, 2021, Pflugerville and Manville entered into an agreement (the service-area contract) whereby they agreed to transfer an approximate 5.06 acres from Manville’s service area under CCN number 11144 to Pflugerville under CCN number 11303.

6. On March 2, 2021, Pflugerville and Manville filed the petition at issue in this proceeding for approval of the January 14, 2021 service-area contract and to amend CCN numbers 11144 and 11303.
7. On May 3, 2021, petitioners filed supplemental mapping information, correcting the amount of service area to be transferred to 4.96 acres.
8. The petition included a copy of the service-area contract executed by Pflugerville and Manville.
9. There are no customers, assets, or facilities within the requested area to be transferred.
10. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or petition.
11. In Order No. 3 filed on June 3, 2021, the administrative law judge (ALJ) found the petition administratively complete.

Notice

12. On January 12, 2021, Pflugerville's city council authorized the negotiation and execution of the service-area contract.
13. On January 13, 2021 and January 14, 2021, the service-area contract was executed.
14. On March 2, 2021, petitioners filed Pflugerville's agenda and meeting minutes from January 12, 2021 with the petition.
15. On March 2, 2021, petitioners filed the affidavit of Karen Thompson, Pflugerville's City Secretary, in support of the meeting agenda and minutes.
16. In Order No. 3 filed on June 3, 2021, the ALJ found the notice sufficient.

Certificates and Maps

17. On July 9, 2021, Commission Staff emailed its proposed map and certificates to the petitioners.
18. On July 21, 2021, Manville and Pflugerville filed their consent to the map and certificates provided by Commission Staff.
19. On July 30, 2021, Commission Staff filed the proposed map and certificates as attachments to its final recommendation.

Evidentiary Record

20. On September 7, 2021, the parties filed a joint motion to admit evidence and proposed notice of approval.
21. In Order No. 6 filed on _____, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) Pflugerville and Manville's petition and all attachments filed on March 2, 2021; (b) Pflugerville's Revised Mapping Documentation Pursuant to Order No. 2 filed on May 3, 2021; (c) Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule filed on June 2, 2021; (d) Pflugerville and Manville's signed consent forms, filed on July 21, 2021; (e) Commission Staff's Final Recommendation, including map and certificates filed on July 30, 2021.

Informal Disposition

26. More than 15 days have passed since the completion of notice in this docket.
27. No person filed a protest or motion to intervene.
28. Pflugerville, Manville, and Commission Staff are the only parties to this proceeding.
29. No party requested a hearing and no hearing is needed
30. Commission Staff recommended approval of the application.
31. 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 petition under TWC §§ 13.041 and 13.248.
2. Pflugerville and Manville are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. Notice of the petition was provided in compliance with TWC §13.248 and 16 TAC § 24.253(c).
4. The Commission processed the application in accordance with the Administrative Procedure Act,¹ the TWC, and Commission rules.

¹ Tex. Gov't Code §§ 2001.001-.903.

5. 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.
6. The petition meets the requirements of TWC § 13.248 and in 16 TAC § 24.253.
7. Under TWC § 13.257(r) and (s), and as reflected in 16 TAC § 24.235(e), Pflugerville and Manville are required to record certified copies of the approved CCN map, along with a boundary description of their respective service areas, in the real property records of Travis County within 31 days of receiving this Notice of Approval.
8. 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 approves the service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends Pflugerville's water CCN number 11303, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends Manville's water CCN number 11144, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
4. The Commission approves the map attached to this Notice of Approval.
5. The Commission grants the certificates attached to this Notice of Approval.
6. Pflugerville must serve every customer and applicant for service within the approved area added to water CCN number 11303 that requests water service and meets the terms of Pflugerville's water service, and such service must be continuous and adequate.
7. Manville must serve every customer and applicant for water service within the approved area added to CCN number 11144 that requests water service and meets the terms of Pflugerville's water service, and such service must be continuous and adequate.
8. Pflugerville and Manville must each comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Travis County affected by the petition and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice.

9. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

SIGNED AT AUSTIN, TEXAS on the ____ day of _____, 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**