



## Filing Receipt

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**Control Number - 51863**  
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**DOCKET NO. 51863**

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

**NOTICE OF APPROVAL**

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

**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 is a Texas non-profit water supply corporation registered with the Texas secretary of state under file number 26785701.
4. Manville operates, maintains, and controls facilities for providing retail water service in Travis, Williamson, and Lee counties under CCN number 11144.

**Petition**

5. On January 13 and 14, 2021, Pflugerville and Manville entered into an agreement (the service-area contract) whereby they agreed to transfer approximately 5.06 acres of service

area from Manville under CCN number 11144 to Pflugerville's service area under CCN number 11303.

6. On March 2, 2021, Pflugerville and Manville filed the petition at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 11144 and 11303.
7. On May 3, 2021, petitioners filed supplemental mapping information, revising the amount of service area to be transferred from 5.06 acres to 4.96 acres.
8. The petition included a copy of the service-area contract executed by Pflugerville and Manville.
9. The 4.96 acres that will be transferred to Pflugerville's service area under CCN number 11303 are within Manville's certificated water service area in Travis County.
10. There are no customers, assets, or facilities within the 4.96 acres of service area being transferred.
11. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or petition.
12. In Order No. 3 filed on June 3, 2021, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

**Notice**

13. On January 12, 2021, Pflugerville's city council authorized the negotiation and execution of the service-area contract.
14. On January 13 and 14, 2021, Pflugerville and Manville executed the service-area contract.
15. Pflugerville's agenda and meeting minutes from its January 12, 2021 regular city council meeting were attached to the petition filed on March 2, 2021.
16. The petition included the affidavit of Karen Thompson, Pflugerville's city secretary, in support of the meeting agenda and minutes.
17. In Order No. 3 filed on June 3, 2021, the ALJ found the notice sufficient.

**Certificates and Map**

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

**Evidentiary Record**

21. On September 7, 2021, the parties filed a joint motion to admit evidence and proposed notice of approval.
22. In Order No. 6 filed on September 13, 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 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; and (e) Commission Staff's final recommendation, including map and certificates, filed on July 30, 2021.

**Informal Disposition**

23. More than 15 days have passed since the completion of notice in this docket.
24. No person filed a protest or motion to intervene.
25. Pflugerville, Manville, and Commission Staff are the only parties to this proceeding.
26. No party requested a hearing and no hearing is needed
27. Commission Staff recommended approval of the application.
28. 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. 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 petition meets the requirements of TWC § 13.248 and in 16 TAC § 24.253.
5. Public notice of the petition was provided in compliance with TWC §13.248 and 16 TAC § 24.253(c).
6. The Commission processed the petition in accordance with the Administrative Procedure Act,<sup>1</sup> the TWC, and Commission rules.
7. Under TWC § 13.257(r) and (s), Pflugerville and Manville must each record a certified copy of its approved map and certificate, along with a boundary description of its service area, in the real property records of Travis County within 31 days of this Notice of Approval and must submit evidence of the recording to the Commission.
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.

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

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 issues the certificates attached to this Notice of Approval.
6. Pflugerville must provide service to every customer and qualified applicant for water service within the approved service area under 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 provide service to every customer and qualified applicant for water service within the approved service area under CCN number 11144 that requests water service and meets the terms of Manville'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 area in Travis County affected by the petition and must file in this docket 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, if not expressly granted.

**Signed at Austin, Texas the 16th day of September 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

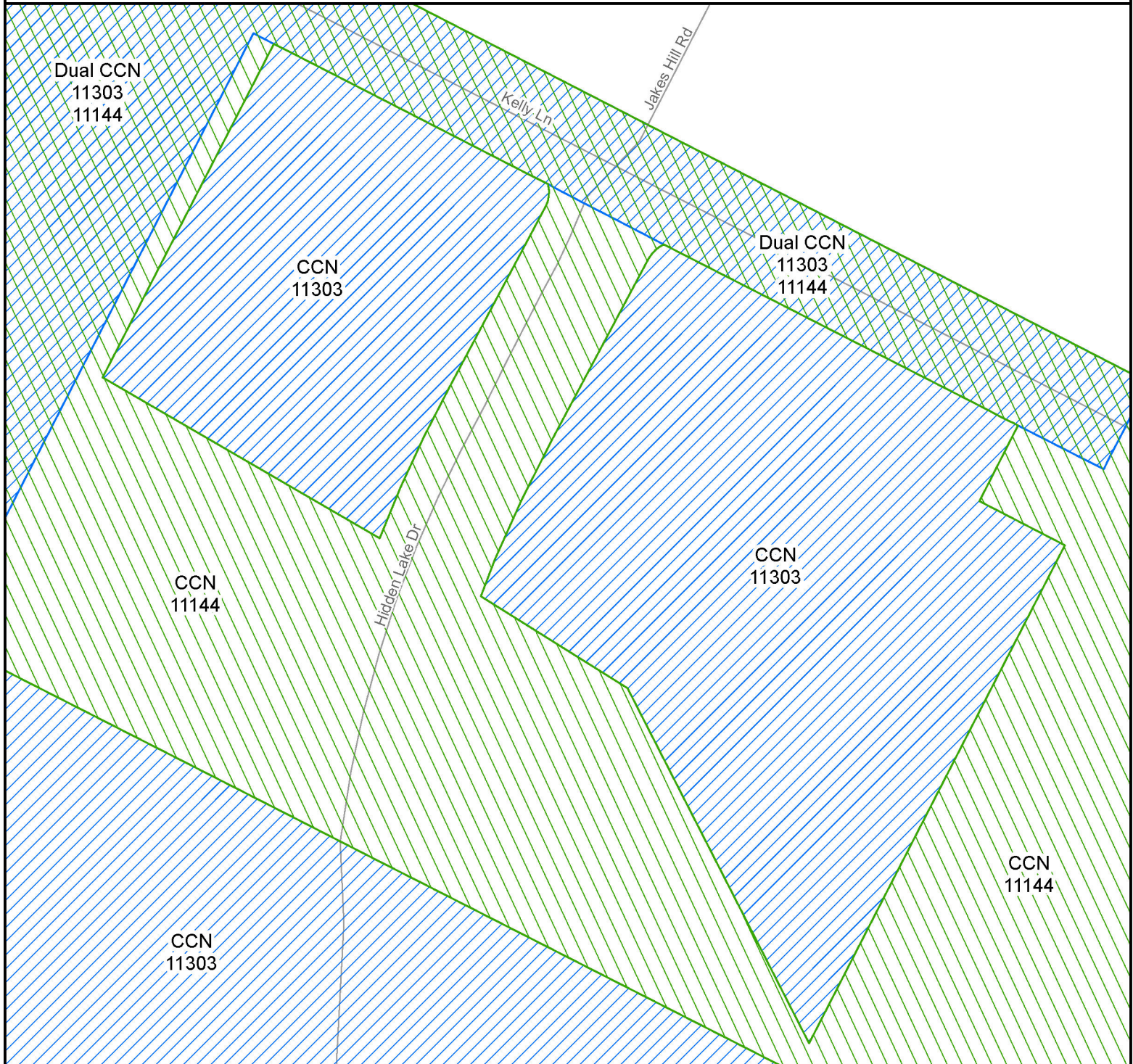


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**CHRISTINA DENMARK**  
**ADMINISTRATIVE LAW JUDGE**



City of Pflugerville  
Portion of Water CCN No. 11303  
PUC Docket No. 51863  
13.248 Agreement Amended CCN No. 11303 and  
Decertified a Portion of Manville Water Supply Corporation, CCN No. 11144 in Travis County



**Water CCN**

-  11303 - City of Pflugerville
-  11144 - Manville WSC

0 50 100  
Feet





# **Public Utility Commission of Texas**

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

## **City of Pflugerville**

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 Pflugerville is entitled to this

### **Certificate of Convenience and Necessity No. 11303**

to provide continuous and adequate water utility service to that service area or those service areas in Travis and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51863 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 Pflugerville 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**

## **Manville 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, Manville Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 11144**

to provide continuous and adequate water utility service to that service area or those service areas in Lee, Travis, and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51863 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 Manville 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.