



Filing Receipt

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DOCKET NO. 52000

PETITION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
AUSTIN AND FOREST OAKS	§	
MOBILE HOMES, LLC 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	§	

COMMISSION STAFF'S FINAL RECOMMENDATION

I. BACKGROUND

On April 8, 2021, the City of Austin and Forest Oaks Mobile Homes, LLC (Forest Oaks) (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. With this application, Forest Homes agrees to transfer a portion of its water service area under CCN number 12086 to the City of Austin under water CCN number 11322. The requested service area consists of 151 acres and zero current customers.

On July 9, 2021, the administrative law judge filed Order No. 3, establishing a deadline of August 30, 2021, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a final recommendation on the petition. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the application, and as detailed in the attached memorandum of Pai Liu of the Infrastructure Division, recommends that it be approved. In accordance with this recommendation, the certificates and maps that the parties consented to in their filings of August 9, 2021, and August 16, 2021, are attached. On or before September 10, 2021, the parties will jointly file proposed findings of fact and conclusions of law.

III. CONCLUSION

Staff respectfully requests that the Petitioners' application be approved.

Dated: August 30, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Phillip Lehmann
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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 August 30, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: August 30, 2021

RE: Docket No. 52000 – *Petition of the City of Austin and Forest Oaks Mobile Homes, LLC for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Travis County*

On April 8, 2021, the City of Austin and Forest Oaks Mobile Homes, LLC (Forest Oaks) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the City of Austin's water certificate of convenience and necessity (CCN) No. 11322 and Forest Oaks' water CCN No. 12086 in Travis County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, the City of Austin and Forest Oaks entered into a contractual agreement which permits the City of Austin to provide water services within the agreed upon water certificated service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

The petition indicates that the requested area includes 0 current customers and approximately 5.47 acres of transferred area from Forest Oaks (CCN No. 12086) to City of Austin (CCN No. 11322).

On April 8, 2021, the City of Austin submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, the City of Austin submitted copies of their meeting minutes approving the agreement and agendas that were posted prior the meetings. The City of Austin also provided an affidavit attesting to the date notice was posted and the date that the meeting approving the agreement transpired. Notice from Forest Oaks is not necessary as there are no customers in the area.

The Petitioners submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). The petition meets all applicable statutory requirements of TWC Chapter 13 and

16 TAC Chapter 24 rules and regulations. Therefore, I recommend approval of the petition. The Petitioners consented to the attached map and certificates on August 9, 2021 and August 16, 2021.



Public Utility Commission of Texas

By These Presents Be It Known To All That

FOREST OAKS MOBILE HOMES, LLC

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, Forest Oaks Mobile Homes, LLC is entitled to this

Certificate of Convenience and Necessity No. 12086

to provide continuous and adequate water utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52000 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 Forest Oaks Mobile Homes, LLC 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

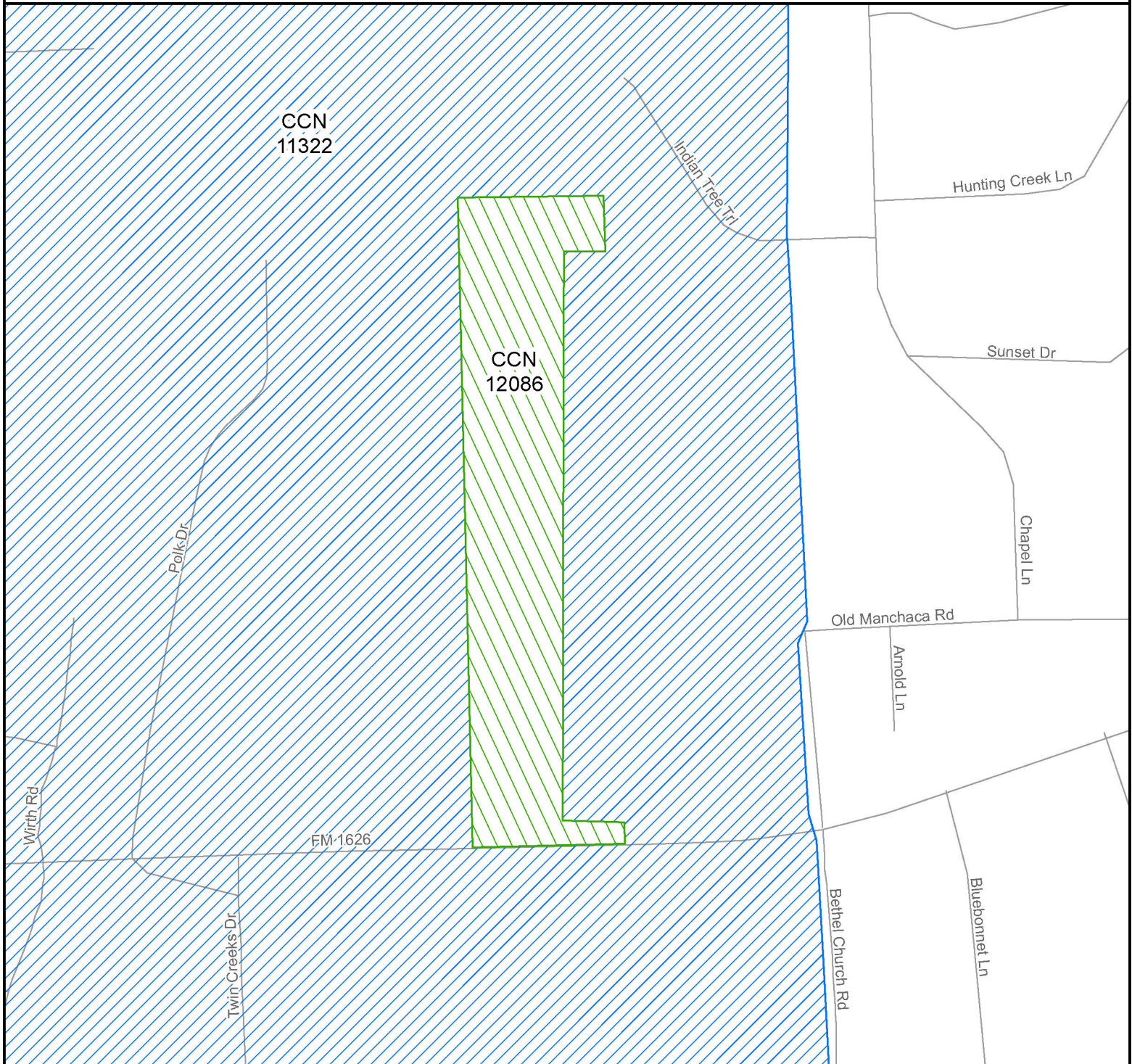
**By These Presents Be It Known To All That
the City of Austin**

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, the City of Austin is entitled to this

Certificate of Convenience and Necessity No. 11322

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Hays, Williamson, and Travis counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52000 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 Austin 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.

City of Austin
Portion of Water CCN No. 11322
PUC Docket No. 52000
13.248 Agreement Amended CCN No. 11322 and
Decertified a Portion of Forest Oaks Mobile Homes, LLC in Travis County



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

Water CCN



11322 - City of Austin



12086 - Forest Oaks Mobile Homes LLC

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Feet



Map by: Komal Patel
Date: July 27, 2021
Project: 52000CityofAustin.mxd