



Filing Receipt

Received - 2021-09-27 03:03:34 PM
Control Number - 52000
ItemNumber - 13

DOCKET NO. 52000

PETITION OF THE CITY OF AUSTIN	§	PUBLIC UTILITY COMMISSION
AND FOREST OAKS MOBILE	§	
HOMES, LLC FOR APPROVAL OF	§	OF TEXAS
SERVICE AREA CONTRACT UNDER	§	
TEXAS WATER CODE § 13.248 AND	§	
TO AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	
TRAVIS COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Austin (the City) and Forest Oaks Mobile Homes, LLC (Forest Oaks) 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, Texas. The application seeks to transfer 5.47 acres from Forest Oaks' service area under water CCN 12086 to the City's service area under CCN number 11322. The Commission approves the service-area contract and amends CCN numbers 11322 and 12086 accordingly.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. The City is a municipality that operates, maintains, and controls facilities for providing retail water service under CCN No. 11322 in Travis, Hays, Bastrop, and Williamson Counties, Texas.
2. Forest Oaks is a Texas limited liability corporation registered with the Texas secretary of state under filing number 802067368.
3. Forest Oaks operates, maintains, and controls facilities for providing retail water service under CCN No. 12086 in Travis County, Texas.

Application

4. On March 12, 2021, the City and Forest Glen executed a service area agreement (the service-area contract) to transfer 5.47 acres of service area from Forest Glen under water CCN number 12086 to the City under water CCN number 11322.
5. On April 8, 2021, the applicants filed the application at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 12086 and 11322.
6. There are no customers, tangible assets, or facilities within any of the 5.47 acres of service area being transferred.
7. There will be no transfer of customers, tangible assets, or facilities as a result of the service-area contract or application.
8. In Order No. 3 filed on July 9, 2021, the administrative law judge (ALJ) deemed the application administratively complete.

Notice

9. The agreement includes Exhibit E, the minutes from the March 4, 2021 Austin City Council Meeting approving the negotiation and execution of the agreement (Consent Agenda Item 8), and Exhibit F, an affidavit of Austin Water Director Greg Meszaros attesting to the fact that notice was properly provided.
10. Forest Oaks is a private limited liability company not subject to notice provisions.

Map and Certificates

11. On August 2, 2021, Commission Staff emailed its proposed map and certificates to the applicants.
12. On August 9, 2021, the City filed a form concurring with the proposed revised water CCN map and certificates as prepared by Commission Staff.
13. On August 16, 2021, Forest Oaks filed a form concurring with the proposed revised water CCN map and certificates as prepared by Commission Staff.
14. On August 30, 2021, Commission Staff filed the proposed map and certificates as attachments to its final recommendation.

Evidence

15. On September 9, 2021, the parties filed a joint motion to admit evidence and notice of approval.
16. On September 17th, 2021, the ALJ issued Order No. 4, admitting the following evidence into the proceeding: (a) the application as filed April 8, 2021, including all attachments; (b) the applicant's supplemental mapping data filed May 12, 2021, (c) Commission Staff's supplemental recommendation on administrative completeness, proposed notice, and proposed procedural schedule filed on July 6, 2021, (d) the City's consent to the final map and certificates, filed on August 9, 2021; (e) Forest Oaks' consent to the final map and certificates, filed on August 16, 2021; and (f) Commission Staff's final recommendation filed August 30, 2021.

Informal Disposition

17. More than 15 days have passed since the completion of the notice provided in this Docket.
18. No person filed a protest or motion to intervene.
19. Commission Staff, the City, and Forest Oaks are the only parties to this proceeding.
20. No party requested a hearing and no hearing is needed.
21. Commission staff recommend approval of the Application.
22. 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. Forest Glen and the City 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 by those retail public utilities, when approved by the Commission, are valid and enforceable and incorporated into the affected CCNs.
4. The application meets the requirements of 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,¹ and Commission rules.
7. Under TWC §13.257(r) and (s), the applicants are required to record a certified copy of the approved CCN and map, along with the boundary description of the service area, in the real property records of Travis County within 31 days of receiving this Notice of Approval.
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 service area contract to the extent provided in this Notice of Approval.
2. The Commission amends the City's water CCN No. 11322, as described in this Notice of Approval and as shown in the map attached to this Notice of Approval..
3. The Commission amends Forest Oaks' water CCN No. 12086, 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. The City must provide service to every customer and qualified applicant for water service within the approved service area under CCN No. 11322 that requests water service and meets the terms of the City's water service, and such service shall be continuous and adequate.

¹ Tex. Gov't Code §§ 2001.001-.903.

7. Forest Glen must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 12086, that requests water service and meets the terms of Forest Glen's water service, and such service must be continuous and adequate.
8. Forest Glen and the City must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Travis County affected by the application and file in this docket proof of the recording no later than 45 days after the date 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 herein.

Signed at Austin, Texas the 27th day of September, 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE



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

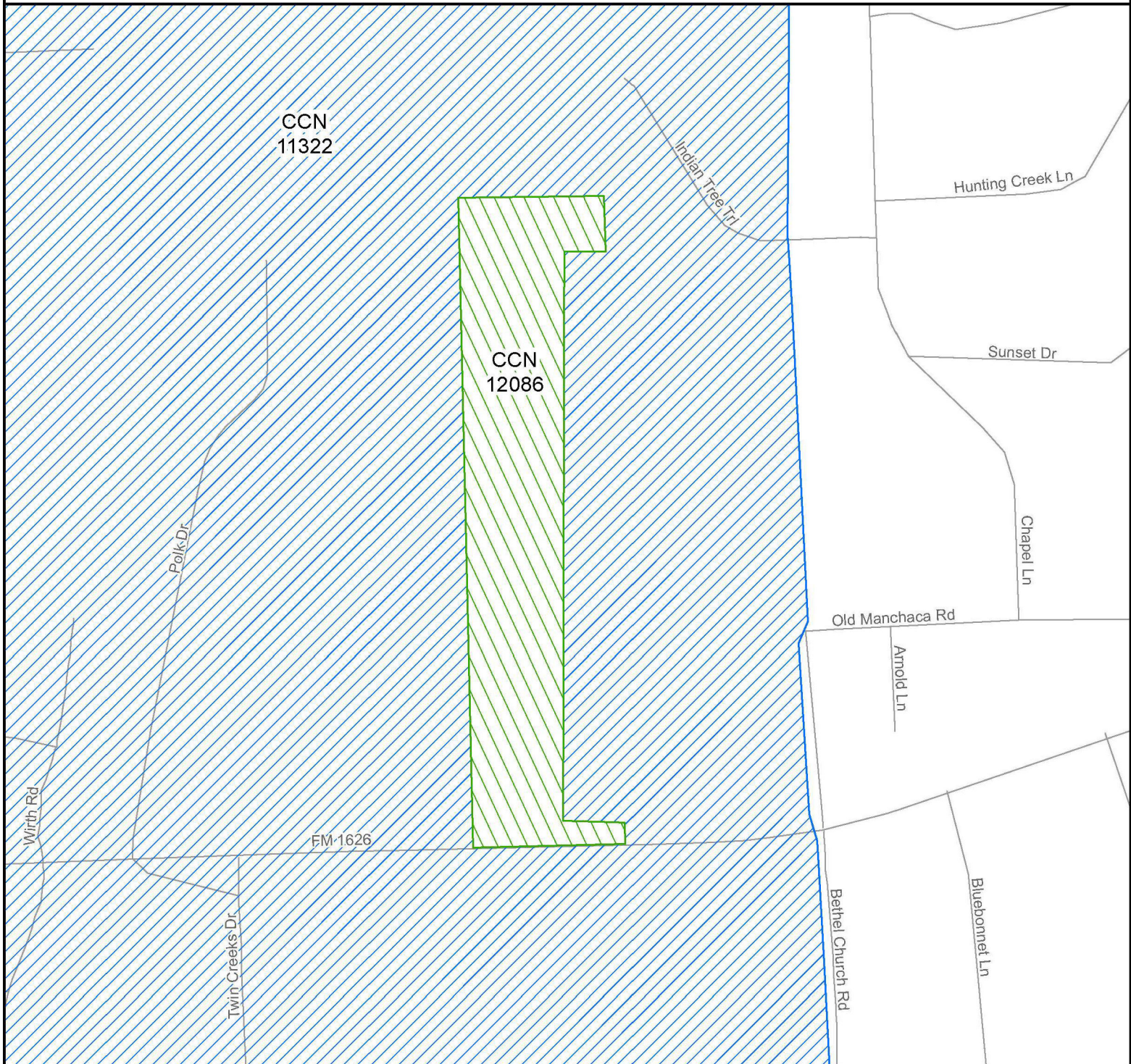
**By These Presents Be It Known To All That
the City of Austin**

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

0 200 400
Feet



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