



## Filing Receipt

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**Control Number - 52016**  
**ItemNumber - 13**

**DOCKET NO. 52016**

<b>PETITION OF COUNTY LINE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SPECIAL UTILITY DISTRICT AND</b>	<b>§</b>	
<b>POLONIA WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION FOR APPROVAL OF</b>	<b>§</b>	
<b>SERVICE AREA CONTRACT UNDER</b>	<b>§</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>CALDWELL COUNTY</b>		

**NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of County Line Special Utility District (County Line SUD) and Polonia Water Supply Corporation (Polonia WSC) for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity (CCNs) in Caldwell County. The petition seeks to transfer approximately 98 acres from Polonia WSC's service area under water CCN number 10420 to County Line SUD. The Commission approves the service-area contract and amends CCN numbers 10420 and 10292 accordingly.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants and Interested Party**

1. County Line SUD is a special utility district formed under chapters 49 and 65 of the TWC.
2. County Line SUD operates, maintains, and controls facilities for providing retail water service under CCN number 10292 in Hays and Caldwell counties.
3. Polonia WSC is a water supply corporation formed under chapters 49 and 67 of the TWC.
4. Polonia WSC operates, maintains, and controls facilities for providing retail water service under CCN number 10420 in Caldwell County.
5. Bob White Ranch Partners, LP (Bob White Ranch) is a Texas limited partnership registered with the Texas secretary of state under filing number 803773806.

**Petition**

6. On March 24, 2021, Polonia WSC and County Line SUD executed a water service area transfer agreement (the service-area contract) whereby they agreed to transfer approximately 98 acres of service area (requested area) from Polonia WSC under CCN number 10420 to County Line SUD.
7. On April 12, 2021, Polonia WSC and County Line SUD filed the petition at issue in this proceeding for approval of the service-area contract and to amend their CCNs to transfer the requested area from Polonia WSC to County Line SUD.
8. The petition included a copy of the contract, which was executed by County Line SUD and Polonia WSC and acknowledged by Bob White Ranch.
9. The requested area is owned by Bob White Ranch and is within Polonia WSC's certificated water service area under CCN number 10420 in Caldwell County.
10. Polonia WSC does not have any customers or facilities within the requested area.
11. There will be no transfer of water assets, facilities, or customers between Polonia WSC and County Line SUD as a result of the service-area contract or petition.
12. In Order No. 3 filed on May 18, 2021, the administrative law judge (ALJ) found the application administratively complete.

**Notice**

13. On December 15, 2020, Polonia WSC's board of directors considered and approved the service-area contract at a public meeting.
14. The petition included the public meeting agenda, public meeting minutes, and the affidavit, dated March 31, 2021, of Paul Pittman, general manager of Polonia WSC, attesting that notice of the public meeting was posted in accordance with the requirements of the Open Meetings Act.<sup>1</sup>
15. In Order No. 3 filed on May 18, 2021, the ALJ found the notice sufficient.

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<sup>1</sup> Tex. Gov't Code ch. 551.

**Intervenor**

16. In Order No. 2 filed on April 26, 2021, the ALJ granted Bob White Ranch's motion to intervene.

**Certificates and Map**

17. On June 9, 2021, Commission Staff emailed its proposed map and certificates to County Line SUD and Polonia WSC.
18. On June 21, 2021, Polonia WSC filed its consent to the map and certificates provided by Commission Staff.
19. On June 22 and 24, 2021, County Line SUD filed its consent to the map and certificates provided by Commission Staff.
20. On June 23, 2021, Commission Staff filed the proposed map and certificates as attachments to its final recommendation.

**Evidentiary Record**

21. On July 7, 2021, the parties filed a joint motion to admit evidence.
22. In Order No. 4 filed on July 21, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the petition and all attachments filed on April 12, 2021; (b) Bob White Ranch's motion to intervene filed on April 13, 2021; (c) Commission Staff's recommendation on administrative completeness filed on May 12, 2021; (d) Polonia WSC's consent form filed on June 21, 2021; (e) County Line SUD's consent forms filed on June 22 and 24, 2021; and (f) Commission Staff's final recommendation, including map and certificates, filed on June 23, 2021.

**Informal Disposition**

23. More than 15 days have passed since the completion of the notice provided in this docket.
24. No person filed a protest.
25. Polonia WSC, County Line SUD, Bob White Ranch, 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 petition.
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. County Line SUD and Polonia WSC are retail public utilities as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31) and Polonia WSC is a water supply corporation as defined in TWC § 13.002(24) and 16 TAC §24.3(40).
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 petition meets the requirements of 16 TAC § 24.253.
5. Notice of the petition was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
6. The Commission processed the application in accordance with the Administrative Procedure Act,<sup>2</sup> the TWC, and Commission rules.
7. Under TWC § 13.257(r) and (s), County Line SUD and Polonia WSC must record a certified copy of the approved map and certificates, along with a boundary description of the service areas, in the real property records of Caldwell 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.

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<sup>2</sup> Tex. Gov't Code §§ 2001.001–.903.

### 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 Polonia WSC's CCN number 10420, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends County Line SUD's CCN number 10292, 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. County Line SUD must provide service to every customer and applicant for water service within the approved area under CCN number 10292 that requests water service and meets the terms of County Line SUD's water service, and such service must be continuous and adequate.
7. Polonia WSC must provide service to every customer and applicant for water service within the approved area under CCN number 10420 that requests water service and meets the terms of County Line SUD's water service, and such service must be continuous and adequate.
8. County Line SUD and Polonia WSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Caldwell County affected by the petition 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, not expressly granted.

Signed at Austin, Texas the 22nd day of July 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.

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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

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

## **County Line Special Utility District**

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, County Line Special Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 10292**

to provide continuous and adequate water utility service to that service area or those service areas Caldwell and Hays Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52016 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 County Line Special Utility District 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**

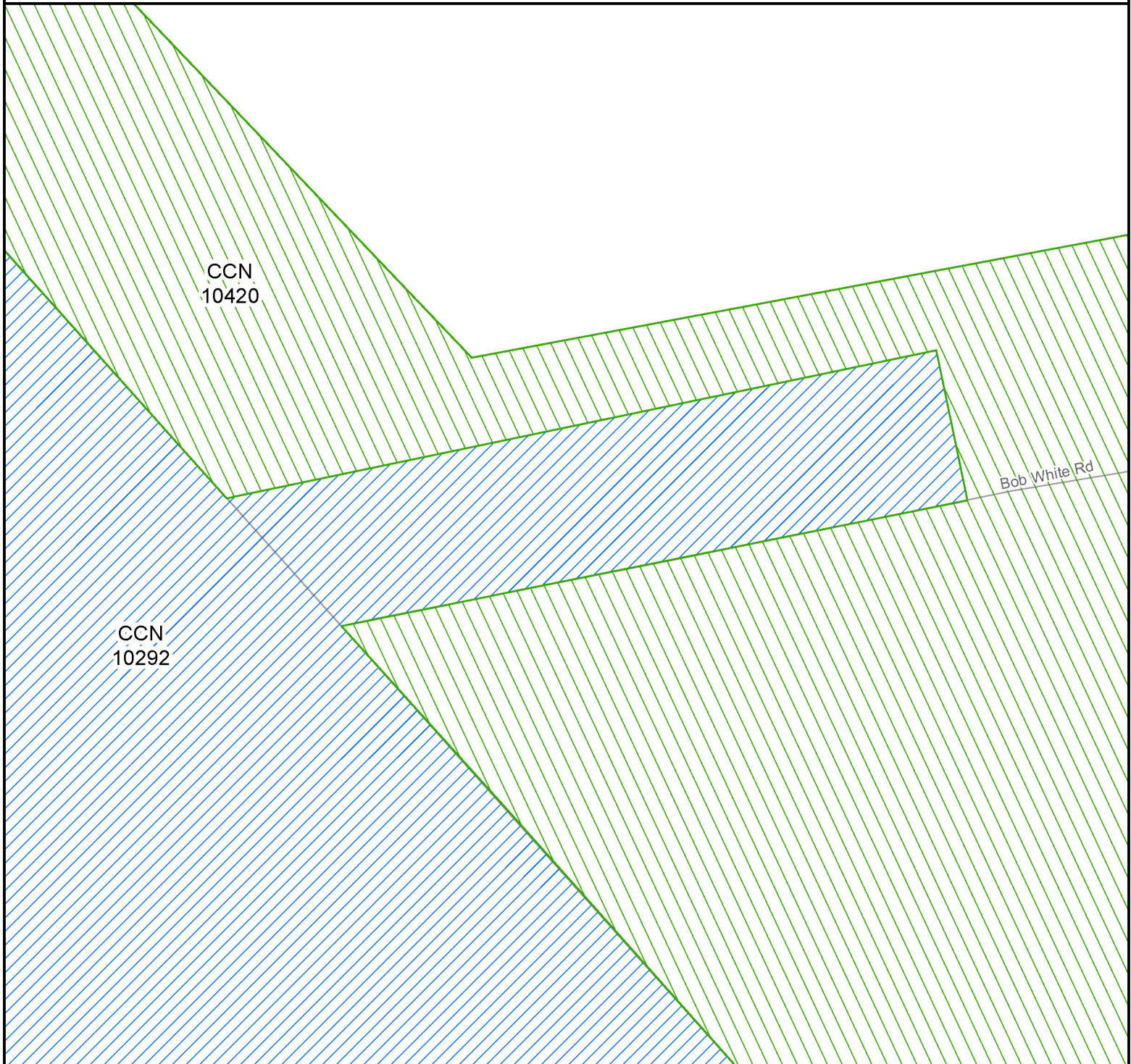
## **Polonia Water Supply Corporation**

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, Polonia Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10420**



to provide continuous and adequate water utility service to that service area or those service areas in Bastrop and Caldwell Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52016 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 Polonia 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.

County Line SUD  
Portion of Water CCN No. 10292  
PUC Docket No. 52016  
13.248 Agreement Amended CCN No. 10292 and  
Decertified a Portion of Polonia WSC, CCN No. 10420 in Caldwell County



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

**Water CCN**

-  10292 - County Line SUD
-  10420 - Polonia WSC

0 450 900  
Feet



Map by: Komal Patel  
Date created: June 4, 2021  
Project Name: 52016CountyLineSUD.mxd