



Filing Receipt

Received - 2021-07-23 11:47:38 AM
Control Number - 52048
ItemNumber - 11

DOCKET NO. 52048

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
JUSTIN AND AQUA TEXAS, INC. FOR	§	
APPROVAL OF SERVICE AREA	§	OF TEXAS
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN DENTON	§	
COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Justin and Aqua Texas, Inc. 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 Denton County. The application seeks to transfer approximately 202 acres from Aqua Texas's service area under CCN number 13201 to City of Justin under CCN number 10167. The Commission approves the service-area contract and amends CCN numbers 10167 and 13201 accordingly.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Aqua Texas is a Texas corporation registered with the Texas secretary of state under file number 0800304878.
2. Aqua Texas operates, maintains, and controls facilities for providing retail water service in Denton County under water CCN number 13201.
3. City of Justin is a municipality located in Denton County.
4. City of Justin operates, maintains, and controls facilities for providing water service in Denton County under CCN number 10167.

Application

5. On April 20, 2021, Aqua Texas and City of Justin executed a service area agreement (the service-area contract) to transfer approximately 202 acres of service area from Aqua Texas under CCN number 13201 to City of Justin under CCN number 10167.
6. On April 21, 2021, Aqua Texas and City of Justin filed the application at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 10167 and 13201.
7. The application included a copy of the service-area contract executed by Aqua Texas and City of Justin.
8. The approximately 202 acres that will be transferred to City of Justin under CCN number 10167 are within Aqua Texas's certificated water service area in Denton County.
9. There are no customers or facilities within the approximately 202 acres of service area to be transferred.
10. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or application.
11. In Order No. 2 filed on May 25, 2021, the administrative law judge (ALJ) found the application administratively complete.

Notice

12. On March 29, 2021, the City of Justin's city council approved the service-area contract.
13. The application included a copy of the agenda and minutes from the March 29, 2021 council meeting as well as a supporting affidavit from Darrell Gentry, City of Justin's director of planning and development.
14. In Order No. 2 filed on May 25, 2021, the ALJ found the notice sufficient.

Certificates and Map

15. On June 21, 2021, Commission Staff emailed its proposed map and certificates to the applicants.

16. On June 30, 2021, City of Justin filed its consent to the map and certificates provided by Commission Staff.
17. On July 2, 2021, Aqua Texas filed its consent to the map and certificates provided by Commission Staff.
18. On July 22, 2021, the parties filed the proposed map and certificates.

Evidentiary Record

19. On July 19, 2021, the parties filed a joint motion to admit evidence and notice of approval.
20. On July 22, 2021, the parties supplemented the motion to admit evidence with attachments that were inadvertently omitted.
21. In Order No. 3 filed on July 23, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the application, filed on April 21, 2021, and all exhibits including the agreement between City of Justin and Aqua Texas, and City of Justin's meeting minutes; (b) Commission Staff's recommendation on sufficiency of application and notice filed on May 21, 2021; (c) City of Justin's executed consent form filed on June 30, 2021; (d) Aqua Texas's executed consent form filed on July 2, 2021; (e) Commission Staff's recommendation on final disposition filed on July 12, 2021; and (f) the map and certificates filed on July 22, 2021.

Informal Disposition

22. More than 15 days have passed since the completion of the notice provided in this docket.
23. No person filed a protest or motion to intervene.
24. City of Justin, Aqua Texas, and Commission Staff are the only parties to this proceeding.
25. No party requested a hearing and no hearing is needed.
26. Commission Staff recommended approval of the application.
27. 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. City of Justin and Aqua Texas 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 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), City of Justin and Aqua Texas must record a certified copy of the approved map and certificates, along with a boundary description of their respective service areas, in the real property records of Denton 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 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 City of Justin's water CCN number 10167, as described in this Notice of Approval, and as shown in the map attached to this Notice of Approval.
3. The Commission amends Aqua Texas's water CCN number 13201, as described in this Notice of Approval, and as shown in the map attached to this Notice of Approval.

¹ Tex. Gov't Code Ann. §§ 2001.001-.902.

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. City of Justin must provide service to every customer and qualified applicant for water service within the approved area under CCN number 10167, that requests water service and meets the terms of City of Justin's water service, and such service must be continuous and adequate.
7. Aqua Texas must provide service to every customer and qualified applicant for water service within the approved area under CCN number 13201, that requests water service and meets the terms of Aqua Texas's water service, and such service must be continuous and adequate.
8. City of Justin and Aqua Texas must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Denton 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 not expressly granted herein.

Signed at Austin, Texas the 23rd day of July 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Justin

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 Justin is entitled to this

Certificate of Convenience and Necessity No. 10167

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52048 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 Justin 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

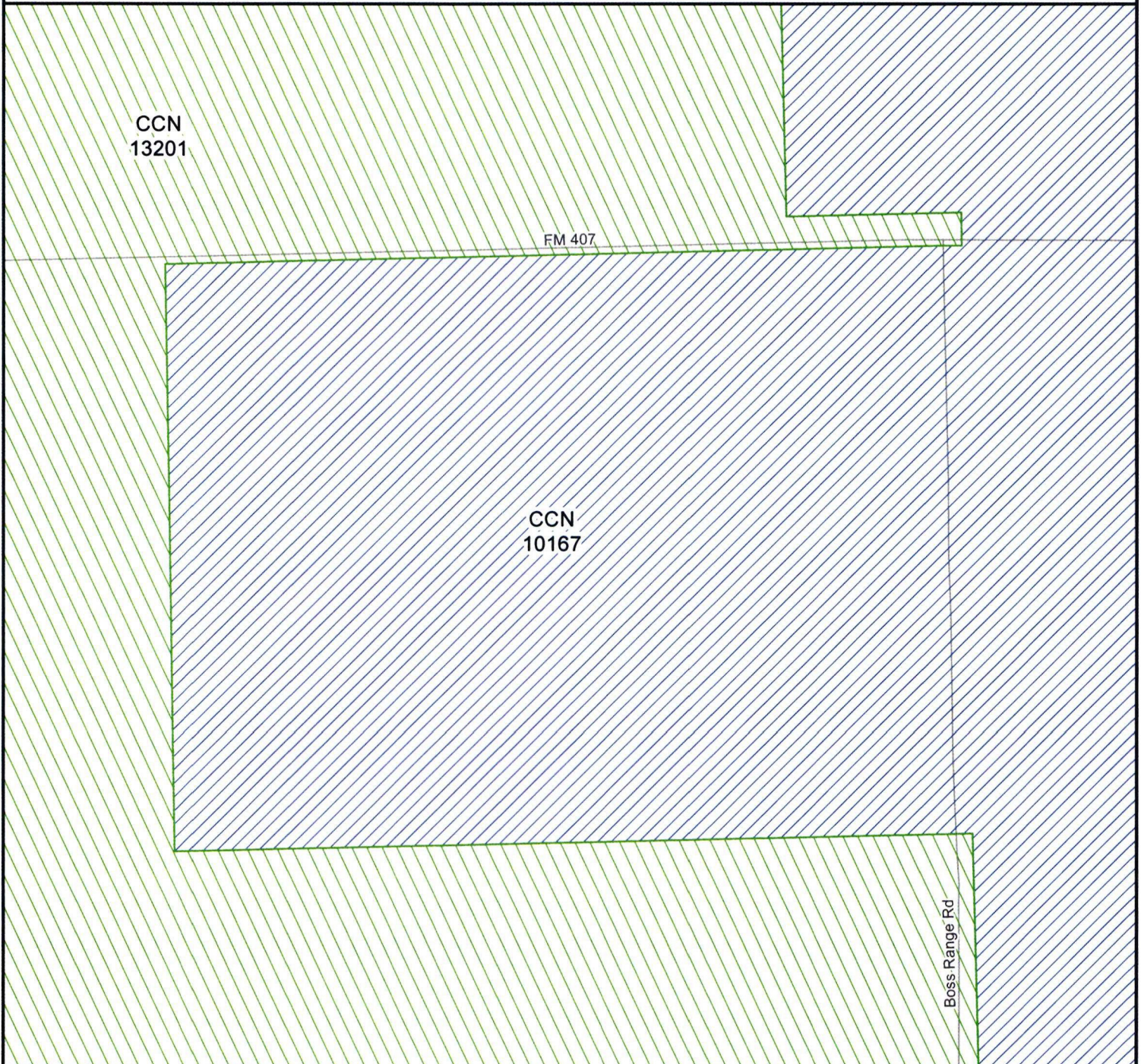
Aqua Texas, Inc.

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, Aqua Texas, Inc. is entitled to this

Certificate of Convenience and Necessity No. 13201



to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52048 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 Aqua Texas, Inc. 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 Justin
Portion of Water CCN No. 10167
PUC Docket No. 52048
13.248 Agreement Amended CCN No. 10167 and
Decertified a Portion of Aqua Texas, Inc., CCN No. 13201 in Denton County



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

Water CCN

-  10167 - City of Justin
-  13201 - Aqua Texas Inc

0 300 600
Feet



Map by: Komal Patel
Date created: June 11, 2021
Project Name: 52048CityofJustin.mxd