



## Filing Receipt

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**DOCKET NO. 52126**

<b>APPLICATION OF THE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SAN ANTONIO WATER SYSTEM</b>	<b>§</b>	
<b>AND YANCEY 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>§</b>	
<b>MEDINA COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE**

**COME NOW**, San Antonio Water System (SAWS), Yancey Water Supply Corporation (Yancey), and the Staff of the Public Utility Commission of Texas (Staff) (collectively, the Parties) and submit this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 2. In support thereof, the Parties show the following:

**I. BACKGROUND**

On May 13, 2021, SAWS and Yancey (Applicants) filed an application (Application) under Texas Water Code (TWC) § 13.248 for approval of a service area contract and to amend their respective water certificates of convenience and necessity (CCNs) in Medina County.

SAWS holds CCN No. 10640, and Yancey holds CCN No. 11463. The Applicants, by mutual agreement, seek approval to alter the boundaries of the CCNs and transfer various tracts from one to another to coincide with legal tract boundaries for a total affected service area of 77 acres; comprising 31 acres and 0 current customers from Yancey to SAWS, and 46 acres and 0 current customers from SAWS to Yancey. There is no transfer of assets or facilities between the Applicants.

The Application was filed pursuant to TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Order No. 2, issued by the Commission administrative law judge (ALJ) on June 23, 2021, established a deadline of August 16, 2021 for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely filed.

## **II. JOINT MOTION TO ADMIT EVIDENCE**

The parties request the entry of the following into the record of this proceeding:

1. The Application, filed on May 13, 2021, and all exhibits including the agreement between SAWS and Yancey, and the Board meeting minutes (Interchange Item No. 1);
2. Staff's Recommendation on Sufficiency of Application and Notice, filed on June 14, 2021 (Interchange Item No. 3);
3. SAWS's executed consent form, filed on July 21, 2021 (Interchange Item No. 5);
4. Yancey's executed consent form, filed on July 22, 2021 (Interchange Item No. 6);
5. Staff's Recommendation on Final Disposition and supporting documentation, filed on August 9, 2021 (Interchange Item No. 7); and
6. The attached final map and certificates.

## **III. JOINT PROPOSED NOTICE OF APPROVAL**

The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant the Application. The final map and certificates consented to by the Applicants are included as attachments to this filing.

## **IV. CONCLUSION**

Staff and Yancey have agreed that SAWS is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

Dated: August 16, 2021

Respectfully submitted,

  
C. Joe Freeland  
State Bar No. 07417500

Benjamin Mathews  
State Bar No. 24086987

Mathews & Freeland, LLP  
8140 N. MoPac Expy, Ste 4-200  
Austin, Texas 78759  
T: (512) 404-7800  
jfreeland@mandf.com

**ATTORNEYS FOR  
SAN ANTONIO WATER SYSTEM**

**DOCKET NO. 52126  
CERTIFICATE OF SERVICE**

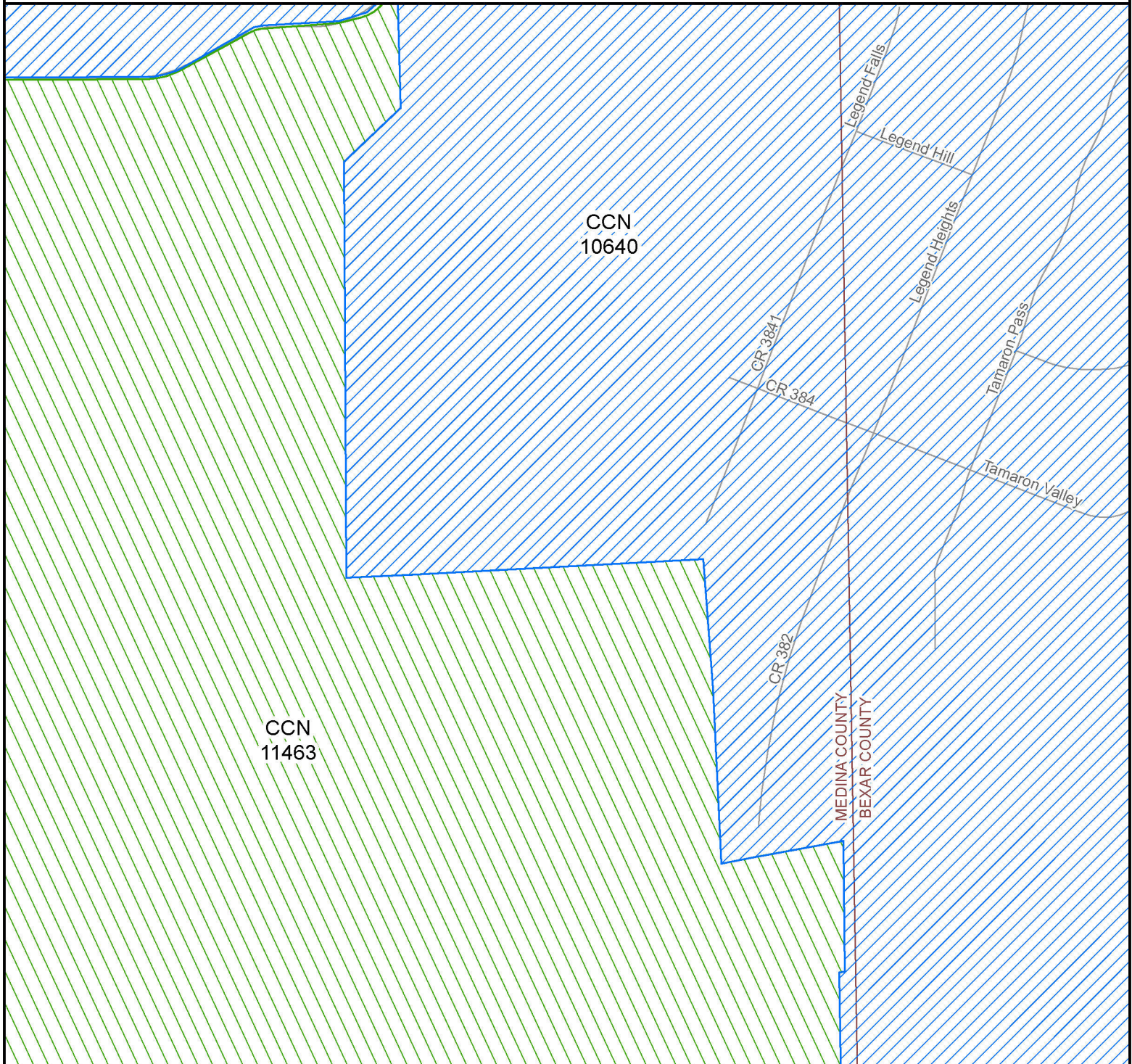
I certify that a copy of this document was served via email on August 16, 2021, in accordance with the requirements of 16 Tex. Admin. Code § 22.74, Order No. 1 in PUC Docket No. 50946, and Order No. 1 in PUC Docket No. 50664.

  
Benjamin Mathews





San Antonio Water System, Portion of Water CCN No. 10640 and  
Yancey Water Supply Corporation, Portion of Water CCN No. 11463  
PUC Docket No. 52126

13.248 Agreement to Transfer a Portion of San Antonio Water System, CCN No. 10640 and a  
Portion of Yancey Water Supply Corporation, CCN No. 11463 in Medina County



**Water CCN**

-  10640 - San Antonio Water System
-  11463 - Yancey WSC

0 450 900  
Feet





# **Public Utility Commission of Texas**

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

## **San Antonio Water System**

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, San Antonio Water System is entitled to this

### **Certificate of Convenience and Necessity No. 10640**

to provide continuous and adequate water utility service to that service area or those service areas in Atascosa, Bexar, Comal, Kendall, and Medina Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52126 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 San Antonio Water System 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**

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

### **Certificate of Convenience and Necessity No. 11463**

to provide continuous and adequate water utility service to that service area or those service areas in Frio and Medina counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52126 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 Yancey 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.



**DOCKET NO. 52126**

<b>APPLICATION OF THE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SAN ANTONIO WATER SYSTEM</b>	<b>§</b>	
<b>AND YANCEY 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>§</b>	
<b>MEDINA COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the San Antonio Water System and Yancey Water Supply Corporation for approval of a service-area contract and to amend water certificates of convenience and necessity (CCNs) in Medina County. The application seeks to transfer 31 acres from Yancey Water Supply Corporation's service area under CCN number 11463 to the San Antonio Water System under CCN number 10640, and 46 acres from San Antonio Water System's service area under CCN number 10640 to Yancey Water Supply Corporation under CCN 11463. The Commission approves the service-area contract and amends CCN numbers 10640 and 11463.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants**

1. Yancey Water Supply Corporation is a Texas nonprofit water supply corporation created pursuant to Texas Water Code (TWC) Chapter 67 and registered with the Texas secretary of state under file number 44417301.
2. Yancey operates, maintains, and controls facilities for providing retail water service in Medina County under water CCN number 11463.
3. The San Antonio Water System is municipally-owned water and wastewater utility owned by the City of San Antonio.
4. The San Antonio Water System operates, maintains, and controls facilities for providing water service in Medina County under CCN number 10640.



### **Application**

5. On April 21, 2021, Yancey Water Supply Corporation and the San Antonio Water System executed a retail water service agreement (the service-area contract) to transfer 31 acres of service area from Yancey Water Supply Corporation under CCN number 11463 to the San Antonio Water System under CCN number 10640 and 46 acres from the San Antonio Water System to Yancey Water Supply Corporation.
6. On May 13, 2021, Yancey Water Supply Corporation and the San Antonio Water System filed the application at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 10640 and 11463.
7. The application included a copy of the service-area contract executed by Yancey Water Supply Corporation and the San Antonio Water System.
8. The 46 acres that will be transferred to Yancey Water Supply Corporation under CCN number 11463 are within the San Antonio Water System's certificated water service area in Medina County.
9. The 31 acres that will be transferred to the San Antonio Water System under CCN number 10640 are within Yancey Water Supply Corporation's certificated water service area in Medina County.
10. There are no customers or facilities within the 77 acres of service area to be transferred.
11. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or application.
12. In Order No. 2 filed on June 23, 2021, the administrative law judge (ALJ) found the application administratively complete.

### **Notice**

13. On March 9, 2021, Yancey Water Supply Corporation's board of directors approved the service-area contract.
14. The application included a copy of the agenda and minutes from the March 9, 2021 council meeting as well as a supporting affidavit from Scooter Mangold, General Manager of Yancey Water Supply Corporation.
15. In Order No. 2 filed on June 23, 2021, the ALJ found the notice sufficient.

### **Certificates and Map**

16. On July 19, 2021, Commission Staff emailed its proposed map and certificates to the applicants.
17. On July 21, 2021, the San Antonio Water System filed its consent to the map and certificates provided by Commission Staff.
18. On July 22, 2021, Yancey Water Supply Corporation filed its consent to the map and certificates provided by Commission Staff.
19. On August 16, 2021, the parties filed the proposed map and certificates as attachments to the agreed motion to admit evidence.

### **Evidentiary Record**

20. On August 16, 2021, the San Antonio Water System filed a joint motion to admit evidence and notice of approval on behalf of the parties.
21. In Order No. 3 filed on \_\_\_\_\_, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the application, filed on May 13, 2021, and all exhibits including the agreement between the San Antonio Water System and Yancey Water Supply Corporation, and Yancey Water Supply Corporation's meeting minutes; (b) Commission Staff's recommendation on sufficiency of application and notice, filed on June 14, 2021; (c) the San Antonio Water System's executed consent form, filed on July 21, 2021; (d) Yancey Water Supply Corporation's executed consent form, filed on July 22, 2021; (e) Commission Staff's recommendation on final disposition, filed on August 9, 2021; and (f) the map and certificates attached to the joint motion to admit evidence, filed on August 16, 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. The San Antonio Water System, Yancey Water Supply Corporation, 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. The San Antonio Water System and Yancey Water Supply Corporation 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, 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,<sup>1</sup> and Commission rules.
7. Under TWC §§ 13.257(r) and (s), the San Antonio Water System and Yancey Water Supply Corporation are required to record a certified copy of the approved map for the certificate amendments, along with a boundary description of their respective service areas, in the real property records of Medina County within 31 days of receiving this Notice of Approval and to 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.

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<sup>1</sup> Tex. Gov't Code Ann. §§ 2001.001–.902 (West 2016 & Supp. 2017).

2. The Commission amends the San Antonio Water System's water CCN number 10640 as described in this Notice of Approval and as shown in the map attached to this Notice of Approval.
3. The Commission amends Yancey Water Supply Corporation's water CCN number 11463 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 San Antonio Water System must serve every customer and qualified applicant for water service within the approved area under CCN number 10640 that requests water service and meets the terms of the San Antonio Water System's water service, and such service must be continuous and adequate.
7. Yancey Water Supply Corporation must serve every customer and qualified applicant for water service within the approved area under CCN number 11463 that requests water service and meets the terms of Yancey Water Supply Corporation's water service, and such service must be continuous and adequate.
8. The San Antonio Water System and Yancey Water Supply Corporation must each comply with the recording requirements in TWC §§ 13.257(r) and (s) for the area in Medina County affected by the application and submit to the Commission 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 not expressly granted herein.

Signed at Austin, Texas, the \_\_\_\_ day of \_\_\_\_\_, 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**