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DOCKET NO. 52309

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
COPPERAS COVE TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE AND	§	OF TEXAS
NECESSITY IN CORYELL AND BELL	§	
COUNTIES	§	

AGREED MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

On July 9, 2021, the City of Copperas Cove (Copperas Cove) filed an application to amend its certificate of convenience and necessity (CCN) in Coryell and Bell Counties. Copperas Cove holds water CCN No. 10449. The requested service area consists of approximately 673 acres, 36 existing connections, and no proposed connections. Copperas Cove filed supplemental information on July 19, 2021 and November 22, 2021. On December 3, 2021, the Staff of the Public Utility Commission of Texas (Staff) filed a final recommendation that the application be approved.

On October 5, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of December 10, 2021 for the parties to submit a joint motion to admit evidence and proposed notice of approval. Therefore, this pleading is timely filed.

I. MOTION TO ADMIT EVIDENCE

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

1. Copperas Cove's application and accompanying attachments, filed on July 9, 2021 (Interchange Item No. 1);
2. Copperas Cove's supplemental mapping materials, filed on July 19, 2021 (Interchange Item No. 3);
3. Copperas Cove's Response to Staff's 1st Request for Information, filed on August 27, 2021 (Interchange Item No. 7);
4. Copperas Cove's Proof of Notice, filed on September 13, 2021 (Interchange Item No. 8);
5. Copperas Cove's Supplemental Proof of Notice, filed on September 30, 2021 (Interchange Item No. 9);
6. Copperas Cove's consent to final maps and water certificate, filed November 11, 2021 (Interchange Item No. 12);

- 7. Copperas Cove’s Supplemental Information, filed November 22, 2021 (Interchange Item No. 13);
- 8. Commission Staff’s Recommendation on Final disposition, filed on December 3, 2021 (Interchange Item No. 14); and
- 9. the attached final map and certificate.

II. PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Proposed Notice of Approval, which would grant Copperas Cove’s application to amend water CCN No. 10449. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs from the Proposed Notice of Approval.

Dated: December 10, 2021

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ R. Floyd Walker
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DOCKET NO. 52309

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 December 10, 2021, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker
R. Floyd Walker

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APPLICATION OF THE CITY OF § PUBLIC UTILITY COMMISSION
COPPERAS COVE TO AMEND ITS §
CERTIFICATE OF CONVENIENCE AND § OF TEXAS
NECESSITY IN CORYELL AND BELL §
COUNTIES §

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Copperas Cove (Copperas Cove) to amend its water certificate of convenience and necessity (CCN) No. 10449 in Coryell and Bell Counties to add an area that consists of 673 acres with 36 existing connections. The Commission amends Copperas Cove’s water CCN No. 10449 to the extent provided in this Notice of Approval.

I. FINDINGS OF FACT

The Commission makes the following findings of fact:

Applicant

1. Copperas Cove is a Texas municipality that owns and operates a water utility serving retail customers in Coryell and Bell Counties under water CCN No. 10449.
2. Copperas Cove has a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under public water system number 0500001.

Application

3. On July 9, 2021, Copperas Cove filed an application to amend its water CCN in Coryell and Bell Counties.
4. Copperas Cove filed supplemental information on July 19, 2021 and November 22, 2021
5. The requested area consists of 673 acres and 36 existing customers.
6. The requested area is located approximately 9 miles west of downtown Killeen, Texas, and is generally bounded on the north by Tank Destroyer Boulevard; on the east by SH 9 and US 190 and US Fort Hood; on the south by Boys Ranch Road; and on the west by Texas Street and Constitution Drive and FM 116.
7. In Order No. 2, filed on August 10, 2021, the administrative law judge (ALJ) found the application administratively complete.

Notice

8. On September 13, 2021, Copperas Cove filed the affidavit of Merrily Van Leuven, authorized representative for Copperas Cove, testifying that notice was mailed to current customers, landowners, neighboring utilities, county authorities, municipalities, and affected parties on August 18, 2021.
9. On September 13, 2021, Copperas Cove filed a publisher's affidavit attesting to publication of notice in the *Killeen Daily Herald*, a publication of general circulation in Bell and Coryell Counties, on August 20, 2021, and August 27, 2021.
10. On September 13, 2021, Copperas Cove filed a publisher's affidavit attesting to publication of notice in the *Copperas Cove Leader-Press*, a publication of general circulation in Coryell, Lampasas and Bell Counties on August 20, 2021, and August 27, 2021.
11. On September 30, 2021, Copperas Cove filed tear sheets for the notice published in the *Killeen Daily Herald*.
12. On September 30, 2021, Copperas Cove filed tear sheets for the notice published in the *Copperas Cove Leader-Press*.
13. In Order No. 3, filed on October 5, 2021, the ALJ found the notice sufficient.

Map and Certificate

14. On November 8, 2021, Commission Staff emailed the proposed map and certificate to Copperas Cove.
15. On November 11, 2021, Copperas Cove filed its consent to the proposed map and certificate.
16. On December 10, 2021, Commission Staff filed the proposed map and certificate as attachments to the Agreed Motion to Admit Evidence.

Evidentiary Record

17. On December 10, 2021, Commission Staff filed an agreed motion to admit evidence and proposed notice of approval.
18. In Order No. 4, filed on _____, 2021, the ALJ admitted the following into evidence:
 - (a) Copperas Cove's application and accompanying attachments, filed on July 9, 2021 (Interchange Item No. 1);
 - (b) Copperas Cove's supplemental mapping materials, filed on July 19, 2021 (Interchange Item No. 3);

- (c) Copperas Cove's Response to Staff's 1st Request for Information, filed on August 27, 2021 (Interchange Item No. 7);
- (d) Copperas Cove's Proof of Notice, filed on September 13, 2021 (Interchange Item No. 8);
- (e) Copperas Cove's Supplemental Proof of Notice, filed on September 30, 2021 (Interchange Item No. 9);
- (f) Copperas Cove's consent to final maps and water certificate, filed November 11, 2021 (Interchange Item No. 12);
- (g) Copperas Cove's Supplemental Information, filed November 22, 2021 (Interchange Item No. 13);
- (h) Commission Staff's Recommendation on Final disposition, filed on December 3, 2021 (Interchange Item No. 14); and
- (i) the attached final map and certificate.

Adequacy of Existing Service – Texas Water Code (TWC) § 13.246(c)(1); 16 Texas Administrative Code (TAC) § 24.227(e)(1)

- 19. Copperas Cove has a Texas Commission on Environmental Quality (TCEQ) approved public water systems (PWS) registered as 0500001.
- 20. Copperas Cove does not have any violations listed in the TCEQ database.
- 21. No additional construction is necessary for Copperas Cove to serve the requested area.
- 22. The Commission's complaint records, which go back to 2014, show 25 complaints against Copperas Cove that have been resolved.

Need for Service - TWC § 13.246(c)(2); 16 TAC § 24.227(e)(2)

- 23. There is a need for service as there are 36 existing customers in the requested area.

Effect of Granting the Certificate - TWC § 13.246(c)(3); 16 TAC § 24.227(e)(3)

- 24. Copperas Cove will be the certificated entity for the requested area and will be required to provide adequate and continuous service to the requested area.
- 25. The landowners in the area will have a water provider available when they need to request water service.
- 26. There will be no effect on any retail public utility servicing the proximate area. All retail public utilities in the proximate area were provided notice of the CCN amendment requested in this application and did not request to intervene.

Ability to Serve: Managerial and Technical - TWC §§ 13.241(a), (b), 13.246(c)(4); 16 TAC § 24.227(a), (e)(4)

27. No additional construction is necessary for Copperas Cove to serve the requested area.
28. The Commission's complaint records, which go back to 2014, show 25 complaints against Copperas Cove that have been resolved.

Feasibility of Obtaining Service from Adjacent Utilities - TWC § 13.246(c)(5) and 16 TAC § 24.227(e)(5)

29. There are no other water service providers in the adjacent area that can serve the requested area.

Regionalization or Consolidation - TWC § 13.241(d) and 16 TAC § 24.227(b)

30. Copperas Cove is already serving customers in the requested area and does not need to a physically separate water system to service the area.

Ability to Serve: Financial Ability and Stability - TWC §§ 13.241(a), 13.246(c)(6); 16 TAC §§ 24.11(e), 24.227(a), (e)(6)

31. Copperas Cove has a debt service coverage ratio is greater than 1.25, which meets one of the five leverage tests.
32. Copperas Cove demonstrated it has sufficient cash available to cover any projected cash shortages for operations and maintenance in the first five years of operations after approval of the CCN amendment, and, therefore, satisfies the operations test.

Financial Assurance - TWC § 13.246(d); 16 TAC § 24.227(f)

33. There is no need to require Copperas Cove to provide a bond or other financial assurance to ensure continuous and adequate service.

Environmental Integrity - TWC § 13.246(c)(7); 16 TAC § 24.227(e)(7)

34. The environmental integrity of the land will not be affected as no additional construction is needed to provide service to the requested area.

Effect on the Land - TWC § 13.246(c)(9); 16 TAC § 24.227(e)(9)

35. The environmental integrity of the land will not be affected as no additional construction is needed to provide service to the requested area.

Improvement in Service - TWC § 13.246(c)(8); 16 TAC § 24.227(e)(8)

36. Copperas Cove will continue to provide water service to the existing customers

Lowering of Cost - TWC § 13.246(c)(8); 16 TAC § 24.227(e)(8)

37. There will be no change in costs to customers.

Informal Disposition

38. More than 15 days have passed since the completion of notice provided in this docket.

39. No person filed a protest or motion to intervene.

40. Commission Staff and Copperas Cove are the only parties to this proceeding.

41. No party requested a hearing and no hearing is needed.

42. This decision is not adverse to any party.

II. CONCLUSION OF LAW

The Commission makes the following conclusions of law:

1. The Commission has jurisdiction over this proceeding under TWC §§ 13.041, 13.241, 13.244, and 13.246.
2. Copperas Cove is a retail public utility as defined by TWC § 13.002(19) and 16 TAC § 24.3(31).
3. Copperas Cove's notice complies with TWC § 13.246 and 16 TAC § 24.235.
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.
5. The application meets the requirements set forth in TWC § 13.244 and 16 TAC § 24.277.
6. After consideration of the factors in TWC § 13.246(c) and 16 TAC § 24.227(e), Copperas Cove has demonstrated adequate financial, managerial, and technical capability to providing continuous and adequate service to the requested service area as required by TWC § 13.241 and 16 TAC § 24.227.
7. Copperas Cove has demonstrated that the amendment to water CCN number 10449 will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(d).

¹ Tex. Gov't Code §§ 2001.001-.902.

- 8. It is not necessary for Copperas Cove to provide a bond or other financial assurance under TWC § 13.246(d) or 16 TAC § 24.227(f)
- 9. Under TWC § 13.257(r) and (s), Copperas Cove must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Walker County within 30 days of this Order and must submit evidence of the recording to the Commission.
- 10. The requirements for informal disposition in 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 amends Copperas Cove’s water CCN number 10449 to include the requested area described in this Notice of Approval and shown on the attached map.
- 2. The Commission approves the map attached to this Notice of Approval.
- 3. The Commission approves the certificate attached to this Notice of Approval.
- 4. Copperas Cove must serve every customer and applicant for service within the approved area under CCN number 10449 who requests water service and meets the terms of Copperas Cove’s water service, and such service must be continuous and adequate.
- 5. Copperas Cove must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas Coryell and Bell Counties affected by this application and file in this docket proof of the recording no later than 30 days after receipt of this Notice of Approval.
- 6. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the _____ day of _____ 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

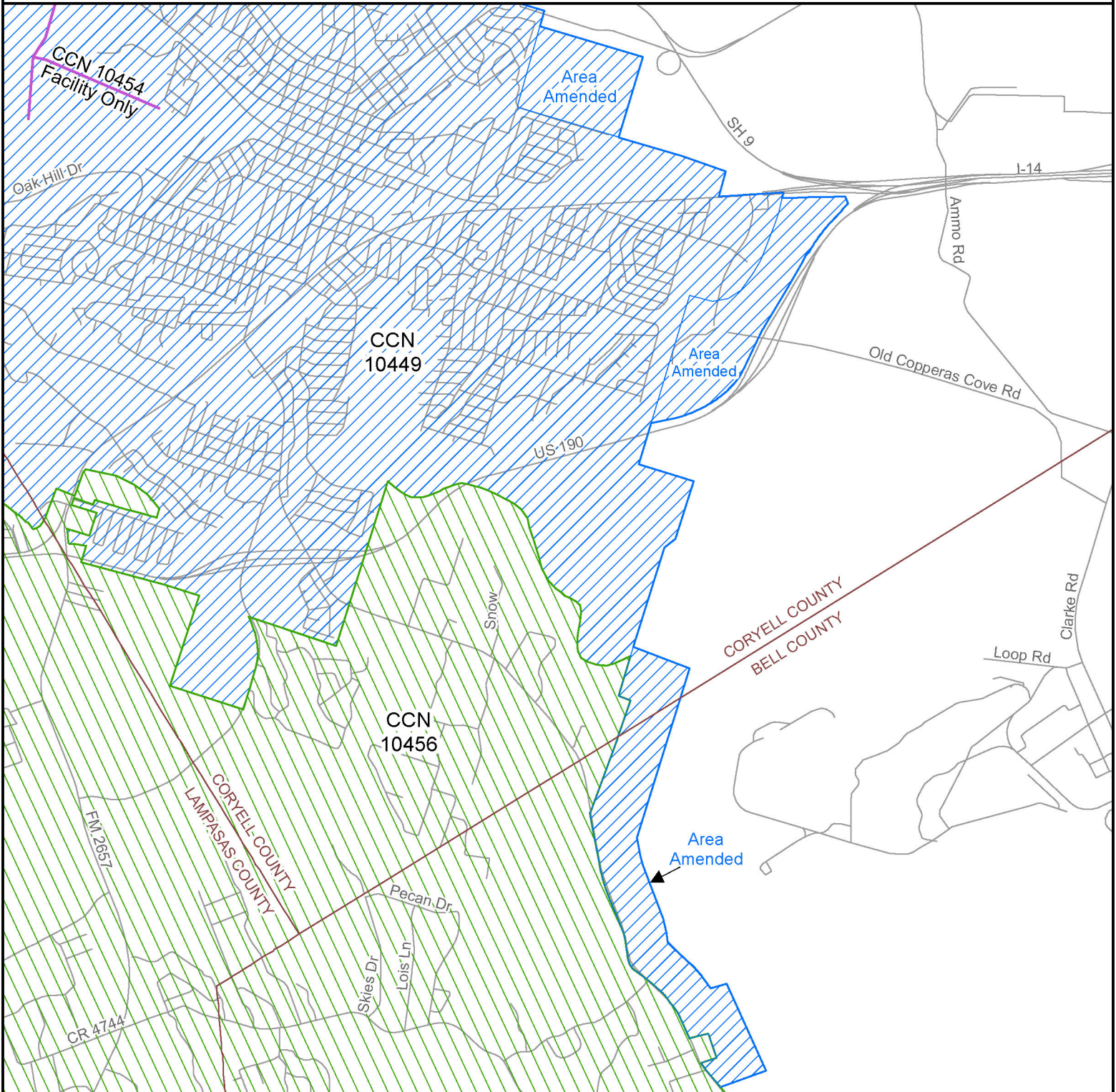
City of Copperas Cove

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, City of Copperas Cove is entitled to this



Certificate of Convenience and Necessity No. 10449

to provide continuous and adequate water utility service to that service area or those service areas in Bell, Coryell, and Lampasas Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52309 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 Copperas Cove 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 Copperas Cove
 Portion of Water CCN No. 10449
 PUC Docket No. 52309
 Amended CCN No. 10449 in Bell and Coryell Counties



Water CCN

-  10449 - City of Copperas Cove
-  10456 - Kempner WSC

Water CCN Facility Only

-  10454 - Topsey WSC

