



## Filing Receipt

**Received - 2022-01-13 03:41:44 PM**

**Control Number - 52309**

**ItemNumber - 17**

**DOCKET NO. 52309**

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

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of the City of Copperas Cove to amend its certificate of convenience and necessity (CCN) number 10449 in Coryell and Bell counties. The Commission amends Copperas Cove’s CCN number 10449 to include the requested area 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 municipality in the state of Texas.
2. Copperas Cove owns a public water system in Coryell county registered with the Texas Commission on Environmental Quality (TCEQ) under identification number 0500001.
3. Copperas Cove operates, maintains, and controls facilities for providing retail water service under CCN number 10449 in Coryell and Bell counties.

**Application**

4. On July 9, 2021, Copperas Cove filed the application at issue in this docket to amend its CCN number 10449 in Coryell and Bell counties.
5. On July 19 and November 22, 2021, Copperas Cove filed supplements to the application.
6. Copperas Cove’s application, as supplemented, seeks to amend its CCN number 10449 to add approximately 673 acres and 36 customers to its certificated service area.
7. The requested area is located approximately nine miles west of downtown Killeen, Texas, and is generally bounded on the north by Tank Destroyer Boulevard; on the east by State

Highway 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 Farm-to-Market Road 116.

8. In Order No. 2 filed on August 10, 2021, the administrative law judge (ALJ) found the application administratively complete.

### Notice

9. On September 13, 2021, Copperas Cove filed the affidavit of Merrily Van Leuven, development liaison and 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.
10. 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, and 27, 2021.
11. 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 and 27, 2021.
12. In Order No. 3 filed on October 5, 2021, the ALJ found the notice sufficient.

### Evidentiary Record

13. On December 10, 2021, Commission Staff filed an agreed motion to admit evidence and proposed notice of approval.
14. In Order No. 4 filed on December 21, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) Copperas Cove's application and all attachments filed on July 9, 2021; (b) Copperas Cove's supplemental mapping materials filed on July 19, 2021; (c) Copperas Cove's response to Commission Staff's first request for information filed on August 27, 2021; (d) Copperas Cove's proof of notice filed on September 13, 2021; (e) Copperas Cove's supplemental proof of notice filed on September 30, 2021; (f) Copperas Cove's consent to final maps and water certificate filed on November 11, 2021; (g) Copperas Cove's supplemental information filed on November 22, 2021; (h) Commission Staff's recommendation on final disposition filed on December 3, 2021;

and (i) the map and certificate attached to the agreed motion to admit evidence filed on December 10, 2021.

**Adequacy of Existing Service**

15. Copperas Cove has a public water system registered with TCEQ under identification number 0500001.
16. Copperas Cove does not have any violations listed in the TCEQ database.
17. No additional construction is necessary for Copperas Cove to serve the requested area.
18. The Commission's complaint records, which go back to 2014, show 25 complaints against Copperas Cove that have been resolved.

**Need for Service**

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

**Effect of Granting the Amendment**

20. Granting the CCN amendment will obligate Copperas Cove to provide adequate and continuous service to the requested area.
21. The landowners in the area will have a water provider available when they need to request water service.
22. 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.
23. There will be no effect on any retail public utility servicing the proximate area.

**Ability to Serve: Managerial and Technical**

24. No additional construction is necessary for Copperas Cove to serve the requested area.
25. The Commission's complaint records, which go back to 2014, show 25 complaints against Copperas Cove that have been resolved.
26. Copperas Cove has access to an adequate supply of water and is capable of providing drinking water that meets the requirements of chapter 341 of the Texas Health and Safety Code, chapter 13 of the Texas Water Code (TWC), and the TCEQ's rules.
27. Copperas Cove has the managerial and technical capability to provide continuous and adequate service to the requested area.

**Feasibility of Obtaining Service from Other Utilities**

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

**Ability to Serve: Financial Ability and Stability**

29. Copperas Cove has a debt service coverage ratio is greater than 1.25, satisfying the leverage test.
30. 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, satisfying the operations test.
31. Copperas Cove has the financial ability and stability to provide continuous and adequate service to the requested area.

**Financial Assurance**

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

**Regionalization or Consolidation**

33. Copperas Cove is already serving customers in the requested area and does not need a physically separate water system to service the area; therefore, concerns of regionalization or consolidation are not applicable.

**Environmental Integrity and Effect on the Land**

34. 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 or Lowering of Cost**

35. Copperas Cove will continue to provide water service to the existing customers.
36. There will be no change in costs to customers.

**Map and Certificates**

37. On November 8, 2021, Commission Staff emailed the proposed map and certificate to Copperas Cove.
38. On November 11, 2021, Copperas Cove filed its consent to the proposed map and certificate.

39. On December 10, 2021, Commission Staff filed the proposed map and certificate as attachments to the agreed motion to admit evidence.

**Informal Disposition**

40. More than 15 days have passed since the completion of notice provided in this docket.
41. No person filed a protest or motion to intervene.
42. Commission Staff and Copperas Cove are the only parties to this proceeding.
43. No party requested a hearing and no hearing is necessary.
44. Commission Staff recommended approval of the application.
45. 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 this proceeding under TWC §§ 13.041, 13.241, 13.242, 13.244, and 13.246.
2. Copperas Cove is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Notice of the application was provided in compliance with TWC § 13.246(a) and 16 TAC § 24.235.
4. The application meets the requirements of TWC § 13.244 and 16 TAC § 24.227.
5. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,<sup>1</sup> the TWC, and Commission rules.
6. After consideration of the factors in TWC §§ 13.241(a) and 13.246(c) and 16 TAC § 24.227(e), Copperas Cove demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area in Coryell and Bell counties and its current service area, as required by TWC § 13.241(a) and 16 TAC § 24.227.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001-903.

7. Regionalization or consolidation concerns under TWC § 13.241(d) do not apply in this proceeding because construction of a physically separate water system is not required.
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. Copperas Cove demonstrated that the amendment of CCN number 10449 to include the requested area 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).
10. Copperas Cove has access to an adequate supply of water to serve the requested area, and its public water system is capable of providing water that meets the requirements of chapter 341 of the Texas Health and Safety Code, chapter 13 of the TWC, and the rules of the TCEQ in accordance with TWC § 13.241(b) and 16 TAC § 24.227(a)(1).
11. Under TWC § 13.257(r) and (s), Copperas Cove must record a certified copy of its approved map and certificate, along with a boundary description of the service area, in the real property records of Coryell and Bell counties within 31 days of receiving this Notice of Approval and submit evidence of the recording to the Commission.
12. 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 order.

1. The Commission amends Copperas Cove's water CCN number 10449 to include the requested area as 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 issues the certificate attached to this Notice of Approval.
4. Copperas Cove must provide service to every customer and applicant for water 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 area in Coryell and Bell counties affected by the application and file in this docket proof of the recording by no later than 45 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

**Signed at Austin, Texas the 13th day of January 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

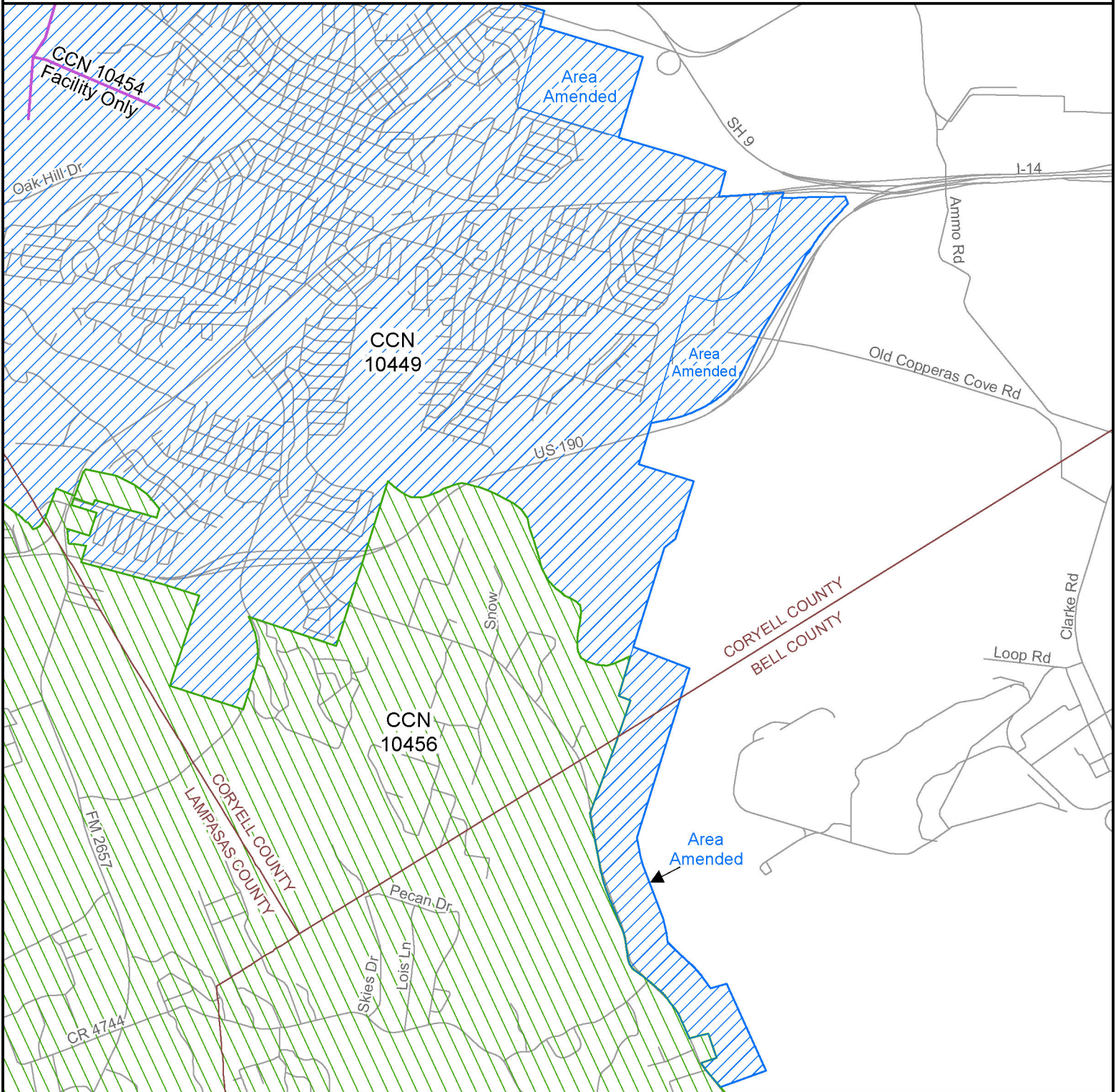
A handwritten signature in black ink, appearing to read "Christina Denmark", written in a cursive style.

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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**




City of Copperas Cove  
 Portion of Water CCN No. 10449  
 PUC Docket No. 52309  
 Amended CCN No. 10449 in Bell and Coryell Counties

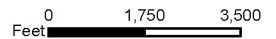


**Water CCN**

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

**Water CCN Facility Only**

-  10454 - Topsey WSC





# **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.