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DOCKET NO. 52453

APPLICATION OF SKYLINE DRIVE	§	PUBLIC UTILITY COMMISSION
LANDOWNERS ASSOCIATION	§	
WATER SYSTEM TO DECERTIFY A	§	OF TEXAS
PORTION OF ITS WATER	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN JOHNSON	§	
COUNTY		

COMMISSION STAFF’S FINAL RECOMMENDATION

On August 20, 2021, Skyline Drive Landowners Association Water System (SDLA) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County. SDLA filed supplemental information on September 15, 2021 and September 21, 2021. In the latter filing, SDLA clarified its intent that it is only requesting to decertify a portion of its water CCN. The requested service area for decertification consists of approximately 22 acres and zero existing customer connections.

On January 13, 2022, the administrative law judge (ALJ) filed Order No. 5, abating the proceeding until SDLA made a decision on how to proceed on an issue with the name in which original certificate was granted based on the ownership structure of SDLA. On April 7, 2022, SDLA requested a good cause exception to any requirement for SDLA to provide complete proof of ownership of the SDLA water system. SDLA also requested that the final certificate in this docket be issued in the name of Skyline Drive Landowners Association Water System. On April 18, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a request to lift the abatement and recommended that the good cause exception be granted, that the certificate in this docket be issued in the name of Skyline Drive Landowners Association Water System, and that the docket be restyled to reflect that name. On May 12, 2022, the administrative law judge (ALJ) filed Corrected Order No. 8, lifting the abatement, granting SDLA’s requests for a good cause exception and to have the certificate in this docket be issued in the name of Skyline Drive Landowners Association Water System, as well as Staff’s request to restyle the docket, and establishing a deadline of May 24, 2022 for Staff to propose a procedural schedule for further processing of this matter. On May 13, 2022, Staff filed a proposed procedural schedule.

On May 17, 2022, the ALJ filed Order No. 9, adopting Staff's proposed procedural schedule and establishing a deadline of June 6, 2022 for Staff to file a final recommendation. Therefore, this pleading is timely filed.

I. FINAL RECOMMENDATION

Staff has reviewed SDLA's application and supplemental information and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the application be approved. Staff's review indicates that SDLA meets the applicable requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code and is therefore capable of providing continuous and adequate service to its customers. Additionally, Staff recommends that approval of the application is necessary for the service, accommodation, convenience, and safety of the public. On or before June 20, 2022, SDLA and Staff will file a joint proposed notice of approval with proposed findings of fact, conclusions of law, and ordering paragraphs.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that SDLA's application be approved.

Dated: June 6, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Scott Miles
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DOCKET NO. 52453

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 June 6, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 6, 2022

RE: Docket No. 52453 – *Application of Skyline Drive Landowners Association Water System to Decertify a Portion of Its Water Certificate of Convenience and Necessity in Johnson County*

1. Application

On August 20, 2021, Skyline Drive Landowners Association Water System (SDLA) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County, Texas. On September 21, 2021, SDLA filed supplemental information clarifying its intent that it is only requesting to decertify a portion of its water CCN. This application was reviewed under Texas Water Code (TWC) § 13.250 and 16 Texas Administrative Code (TAC) § 24.245. The application proposes the subtraction of approximately 22 acres from SDLA's water CCN No. 12479. The requested area to be decertified does not have any customer connections.

The requested area includes 0 customer connections and approximately 22 acres, comprised of 22 acres to be decertified from CCN No. 12479.

The application indicates that the total acreage being requested is approximately 85 acres. Based on the mapping review by Gary Horton, Infrastructure Division, it was determined the requested area (portion to be decertified) is approximately 22 acres. On September 21, 2021, SDLA filed supplemental information to address this discrepancy and confirm that it only seeks to remove the approximate 22 acres from its water CCN No. 12479.

2. Notice

The deadline to intervene was December 10, 2021; there were no motions to intervene, protests, or opt-out requests received.

3. Factors Considered

Under TWC § 13.250 and 16 TAC § 24.245, the Commission must consider certain factors when decertifying a portion of a water CCN. Therefore, the following factors were considered.

3.1. Consideration of whether the Applicant qualifies for decertifying a portion of its water CCN (16 TAC § 24.245(d)(1)).

SDLA has never provided water service to customers in the requested area. SDLA has not received any requests for water service in the requested area.

3.2. Consideration of the effect of granting the decertification on the current CCN holder, any existing customers, and the landowners in the area (16 TAC § 24.245(d)(2)(C)).

SDLA will not be required to provide adequate and continuous service to the requested area. SDLA does not own any facilities in the requested area. There are no current customers.

3.3. Consideration of the Applicant's ability to serve continuous and adequate service to all remaining customers within its certificated area (TWC § 13.250(a)).

Decertification of the requested area will not impact SDLA's ability to serve the customers in its certificated area, who are served by a water system that is outside of the requested area.

3.4 Consideration of whether the requested area will be adversely impacted in the present or future (TWC § 13.250(b)).

SDLA has no customers and owns no facilities in the requested area so service to the requested area will not be discontinued, reduced, or impaired. New facilities would need to be constructed by a future CCN holder to serve the area.

3.5. Compensation from a prospective retail public utility (16 TAC § 24.245(d)(2)(F)).

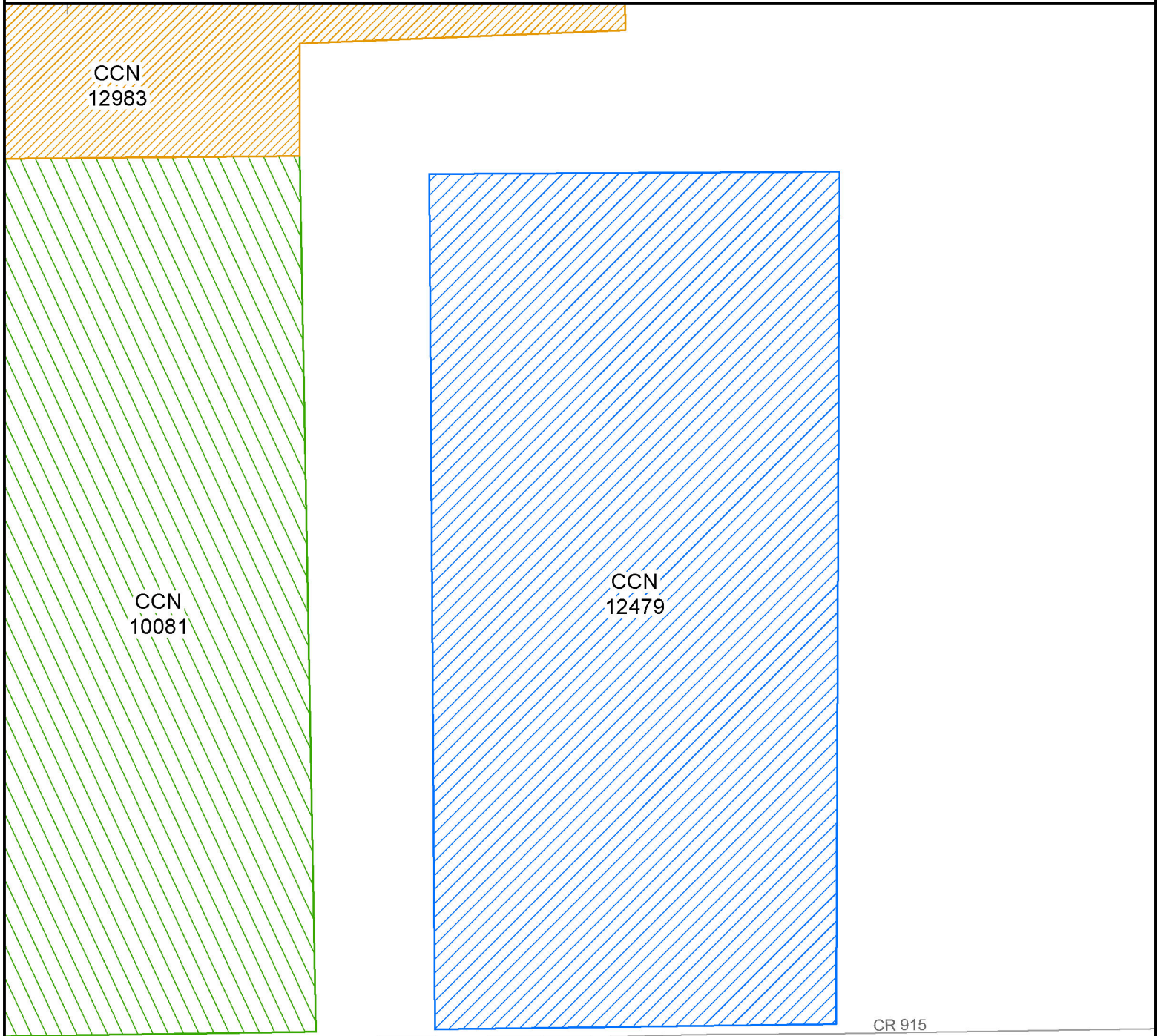
The provisions of 16 TAC § 24.245(d)(2)(F) makes clear that SDLA is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

4. Recommendation

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review, I recommend that SDLA meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations and is therefore capable of providing continuous and adequate service to its customers. Additionally I recommend that approving this application to decertify a portion of SDLA's CCN No. 12479 is necessary for the accommodation, convenience, and safety of the public.

SDLA consented to the map, tariff, and certificate on May 20, 2022.

Skyline Drive Landowners Association Water System
Water CCN No. 12479
PUC Docket No. 52453
Amended CCN No. 12479 in Johnson County



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

Water CCN

-  12479 - Skyline Drive Landowners Association Water System
-  10081 - Johnson County SUD
-  12983 - Monarch Utilities I LP

0 200 400
Feet



Map by: Komal Patel
Date: May 11, 2022
Project: 52453SkylineDriveREMAP.mxd



WATER UTILITY TARIFF

Docket Number 52453

Skyline Drive Landowners Association Water System
(Utility Name)

8604 Skyline Drive
(Business Address)

Joshua, Texas 76058
(City, State, Zip Code)

(817) 517-3111
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

12479

This tariff is effective in the following county(ies):

Johnson

This tariff is effective in the following cities or unincorporated towns (if any):

None

This tariff is effective in the following subdivisions or systems:

Dragoo Addition: PWS# 1260060

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The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

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SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> (Includes <u>2,000</u> gallons all meters)	<u>Gallonage Charge</u>
5/8" or 3/4"	<u>\$25.00</u>	<u>\$3.00</u> per 1,000 gallons thereafter

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order _, Credit Card _, Other (specify) _

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT1.0%

PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TCEQ.

Section 1.02 – Miscellaneous Fees

TAP FEE.....\$300.00

TAP FEE COVERS THE UTILITY'S COST FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL CONNECTION OF 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large meter).....\$300.00

TAP FEE IS UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN STANDARD 5/8" METERS., A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

METER RELOCATION FEEACTUAL COST TO RELOCATE METER NOT TO EXCEED TAP FEE

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAN AN EXISTING METER BE RELOCATED.

METER TEST FEE\$25.00

THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

a) Non-payment of bill (Maximum \$25.00)\$25.00

b) Customer's request.....\$5.00

or other reasons listed under Section 2.0 of this tariff

TRANSFER FEE.....\$5.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (Either \$5.00 or 10% of the bill)10%

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILL. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

SECTION 1.0 -- RATE SCHEDULE (CONTINUED)

Section 1.02 – Miscellaneous Fees (Continued)

RETURNED CHECK CHARGE\$20.00

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$50.00

COMMERCIAL AND NON-RESIDENTIAL DEPOSIT1/6TH ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE CLAUSE:

WHEN AUTHORIZED IN WRITING BY PUCT AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING [16 TEXAS ADMINISTRATIVE CODE (TAC) § 24.25(b)(2)(G)].

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0 POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 2.0 - SERVICE RULES AND REGULATIONS

The utility will have the most current Public Utility Commission of Texas (PUCT or commission) rules relating to Water and Wastewater Utility regulations, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.01 - Application for Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Where service has previously been provided, the utility will reconnect the service within one working day after the applicant has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install- a customer owned cut-off valve on the customers' side of the meter or connection.

Section 2.02 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUCT Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the commission.

Section 2.03 Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant will be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUCT Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive billings without being delinquent. Deposits from non-residential customers may be held as long as that customer takes service.

Section 2.04 - Meter Requirements, Readings, and Testing

All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial, or industrial facility in accordance with PUC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.05 - Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. Payment is considered late if not received by 5:00 PM at the utility's office or postal address within sixteen (16) days of the billing date. The postmark on the envelope of the bill or the recorded date of mailing by the utility, if there is no postmark on the envelope, will constitute proof of the date of issuance. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

A late penalty of either \$2.00 or 5.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Each bill will provide all information required by the PUCT Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the commission.

Section 2.06 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUCT Rules.

Utility service may also be disconnected without notice for reasons as described in the PUCT Rules.

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.07 – Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.08 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Prorated Bills - If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.09 – Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the TCEQ, the utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

Section 2.10 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through either the TCEQ or PUCT complaint process, depending on the nature of the complaint. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 – SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the commission and in compliance with PUC Rules to be effective.

SECTION 3.0--EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES: No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will- be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Costs Utilities Shall Bear. Within its certificate area, the utility will pay the cost of the first 200 feet of any water main or sewer collection line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the PUC's Rules.

SECTION 3.20—SPECIFIC UTILITY EXTENSION POLICY

This section contains the utility's specific extension policy which complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the commission and in compliance with PUC Rules to be effective.

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

APPENDIX A - DROUGHT CONTINGENCY PLAN

(This page incorporates by reference the utility's Drought Contingency Plan, as approved and periodically amended by the Texas Commission on Environmental Quality.)

APPENDIX B – SAMPLE SERVICE AGREEMENT
(Utility Must Attach Blank Copy)



Public Utility Commission of Texas

By These Presents Be It Known To All That

Skyline Drive Landowners Association 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, Skyline Drive Landowners Association Water System is entitled to this

Certificate of Convenience and Necessity No. 12479

to provide continuous and adequate water utility service to that service area or those service areas in Johnson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52453 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 Skyline Drive Landowners Association 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.