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Received - 2022-06-27 10:14:17 AM
Control Number - 52453
ItemNumber - 32

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	§	

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

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 June 21, 2022, the administrative law judge (ALJ) filed Order No. 10, establishing a deadline of June 27, 2022 for SDLA and the Staff (Staff) of the Public Utility Commission of Texas (Commission) (collectively, the Parties) to file a joint proposed notice of approval with proposed findings of fact, conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

I. JOINT MOTION TO ADMIT EVIDENCE

The Parties respectfully request that the following items be admitted into evidence:

1. SDLA's Application and all attachments, filed on August 20, 2021 (Interchange Item No. 1);
2. SDLA's Supplements to the Application, filed on September 15, 2021 (Interchange Item Nos. 3 and 6);
3. Commission Staff's Supplemental Recommendation on Administrative Completeness and Proposed Notice, filed on November 4, 2021 (Interchange Item No. 7);
4. SDLA's Proof of Notice, filed on November 12, 2021 and November 23, 2021 (Interchange Item Nos. 9 and 10);
5. Commission Staff's Recommendation on Sufficiency of Notice, filed on December

- 13, 2021 (Interchange Item No. 11);
6. SDLA's Proof of Ownership, filed on March 28, 2022 and March 30, 2022 (Interchange Item Nos. 17 and 18);
 7. SDLA's Request for Good Cause Exception and Certificate Name, filed on April 7, 2022 (Interchange Item No. 22);
 8. Commission Staff's Recommendations on Good Cause Exception and Certificate Name and Request to Restyle the Docket, filed on April 18, 2022 (Interchange Item No. 23);
 9. Commission Staff's Proposed Procedural Schedule with Existing Certificate Attached, filed on May 13, 2022 (Interchange Item No. 25);
 10. SDLA's signed Consent Form, filed on May 20, 2022 (Interchange Item No. 28); and
 11. Commission Staff's Final Recommendation and all attachments, filed on June 6, 2022 (Interchange Item No. 20).

II. JOINT PROPOSED NOTICE OF APPROVAL

The Parties have agreed on the attached Proposed Notice of Approval to decertify a portion of SDLA's water CCN No. 12479. The Parties respectfully request that the Commission adopt the jointly proposed findings of fact, conclusions of law, and ordering paragraphs.

III. CONCLUSION

For the reasons detailed above, the Parties respectfully request that the Commission grant the Joint motion to Admit Evidence and adopt the attached Proposed Notice of Approval.

Dated: June 27, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 27, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

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PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the Skyline Drive Landowners Association Water System (SDLA) to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County. The Commission amends SDLA's CCN No. 12479 to decertify 22 acres to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicant

1. SDLA is a partnership located in Johnson County County, Texas.
2. SDLA operates, maintains, and controls facilities for providing retail water service under water CCN No. 12479 in Johnson County.
3. SDLA owns and operates a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under identification number 1260060.

Application

4. On August 20, 2021, SDLA filed an application to amend its water CCN No. 12479 in Johnson County.
5. On September 15, 2021 and September 21, 2021, SDLA filed supplements to the application.
6. SDLA's application, as supplemented, requests to decertify water service area that is approximately 22 acres (requested area) and has zero current connections.

7. The requested area to be decertified is located approximately 5 miles northeast of downtown Godley, Texas and is generally bounded on the north by 1st Street (Highcrest Estates); on the east by County Road 915; on the south by County Road 915; and on the west by Clearview Drive.
8. In Order No. 3, filed on November 4, 2021, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

Notice

9. On November 12, 2021, SDLA filed the affidavit of Randy Chitwood, Manager/System Operator and Authorized Representative for SDLA, attesting that notice was mailed to current customers, landowners, neighboring utilities, and affected parties on November 10, 2021.
10. On November 23, 2021, SDLA filed a supplement to the proof of notice.
11. In Order No. 4, filed on December 14, 2021, the ALJ found the notice sufficient.

Evidentiary Record

12. On June 27, 2022, SDLA and Commission Staff filed a joint motion to admit evidence.
13. In Order No. __ filed on July, __2022, the ALJ admitted the following evidence into the record of this proceeding: (a) SDLA's application and all attachments, filed on August 20, 2021; (b) SDLA's supplements to the application, filed on September 15, 2021 and September 21, 2021; (c) Commission Staff's supplemental recommendation on administrative completeness and proposed notice, filed on November 4, 2021; (d) SDLA's proof of notice, filed on November 12, 2021 and November 23, 2021; (e) Commission Staff's recommendation on sufficiency of notice, filed on December 13, 2021; (f) SDLA's proof of ownership, filed on March 28, 2022 and March 30, 2022; (g) SDLA's request for good cause exception and certificate name, filed on April 7, 2022; (h) Commission Staff's recommendations on good cause exception and certificate name and request to restyle the docket, filed on April 18, 2022; (i) Commission Staff's proposed procedural schedule with existing certificate attached, filed on May 13, 2022; (j) SDLA's signed consent form, filed on May 20, 2022; and (k) Commission Staff's final recommendation and all attachments, filed on June 6, 2022.

Circumstances of Decertification

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

Effect on Customers and Landowners in the Requested Area

16. There are no customers that SDLA serves in the requested area being decertified.
17. SDLA does not own facilities in the requested area.
18. SDLA will not be required to provide continuous and adequate service to the requested area.

Ability to Serve Continuous and Adequate Service to Customers

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

Adverse Impact on the Requested Area in the Present or Future

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

Compensation from a Prospective Retail Public Utility

22. SDLA is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

Map, Certificate, and Tariff

23. On May 20, 2022, Commission Staff emailed the proposed final map, certificate, and tariff to SDLA.
24. On May 20, 2022, SDLA filed its consent to the proposed final map, certificate, and tariff.
25. On June 6, 2022, Commission Staff filed the proposed final map, certificate, and tariff as attachments to its final recommendation.
26. On June 27, 2022, SDLA and Commission Staff filed the proposed final map, certificate, and tariff as attachments to the joint motion to admit evidence and proposed notice of approval.

Good Cause Exception

27. On April 7, 2022, SDLA filed a request for a good cause exception to file proof of ownership for all the partners who have an ownership interest in the water system and a request for the final certificate in this docket to be issued in the name of Skyline Drive Landowners Association Water System.
28. In Order No. 8, filed on May 12, 2022, the ALJ granted the good cause exception and certificate name requests.

Informal Disposition

29. More than 15 days have passed since the completion of notice provided in this docket.
30. No person filed a protest or motion to intervene.
31. SDLA and Commission Staff are the only parties to this proceeding.
32. No party requested a hearing and no hearing is needed.
33. Commission Staff recommended that the application be approved.
34. The 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, 13.246, 13.250 and 13.254.
2. SDLA is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. The application meets the requirements of TWC § 13.244.
4. SDLA provided notice of the application that complies with TWC § 13.254 and 16 TAC § 24.245.
5. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC and Commission rules.

¹ Tex. Gov't Code §§ 2001.001–2001.903.

6. SDLA met the requirements of TWC § 13.254 and 16 TAC § 24.245 to be granted the amendment to decertify a portion of its service area.
7. SDLA has demonstrated that the amendment to its water CCN No. 12479 to decertify a portion of the service area will not affect SDLA's ability to provide retail public water utility service to its customers in the remaining certificated service area and neither the present nor future convenience and necessity of the certificated service area will be adversely affected, as required by TWC § 13.250(a)-(b).
8. Under TWC § 13.257(r) and (s), SDLA 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 Johnson County within 31 days of this Notice of Approval and must submit evidence of the recording to the Commission.
9. 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 amends SDLA's CCN No. 12479 to decertify 22 acres, as described in this Notice of Approval, and shown on the map attached to this Notice of Approval.
2. The Commission approves the map and tariff attached to this Notice of Approval.
3. The Commission issues the certificate attached to this Notice of Approval.
4. SDLA must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Johnson County affected by this application and file in this docket proof of the recording no later than 45 days after the date of this Notice of Approval.
5. The Commission denies all other motions and any other requests for general and specific release that have not been expressly granted.

Signed at Austin, Texas _____ day of _____ 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE