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DOCKET NO. 52646

PETITION OF THE CITY OF NEW	§	PUBLIC UTILITY COMMISSION
BOSTON AND CENTRAL BOWIE	§	
COUNTY WATER SUPPLY	§	OF TEXAS
CORPORATION FOR APPROVAL OF	§	
SERVICE AREA CONTRACT UNDER	§	
TEXAS WATER CODE § 13.248 AND	§	
TO AMEND CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
BOWIE COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application by the City of New Boston and Central Bowie County Water Supply Corporation for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity (CCNs) in Bowie County. The applicants seek to transfer approximately 2,288 acres from Central Bowie County WSC's certificated service area under CCN number 10525 to New Boston's certificated service area under CCN number 13164; six acres will be transferred from Central Bowie County WSC's certificated service area under CCN number 10525 to the applicants' dually certificated service area under CCN numbers 13164 and 10525; 56 acres will be transferred from New Boston's certificated service area under CCN number 13164 to Central Bowie County WSC's certificated service under CCN 10525; and 713 acres will be transferred from New Boston's certificate service area under CCN number 13164 to the applicants' dually certificated service area under CCN numbers 13164 and 10525. The Commission approves the service-area contract and amends CCN numbers 10525 and 13164 to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. New Boston is a municipality located in Bowie County.
2. New Boston operates, maintains, and controls facilities for providing retail water service under CCN number 13164 in Bowie County.

3. Central Bowie County WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 28268801.
4. Central Bowie County WSC operates, maintains, and controls facilities for providing retail water service under CCN number 10525 in Bowie County.

Application

5. Central Bowie County WSC and New Boston executed an agreement regarding water utility service to designated areas, whereby the applicants agreed to transfer (i) portions of Central Bowie County WSC's certificated service area to New Boston's certificated service area; (ii) transfer portions of New Boston's certificated service area to Central Bowie County WSC; and (iii) establish a dual certification area in an area presently served by New Boston.
6. On September 27, 2021, Central Bowie County WSC and New Boston filed the application at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 10525 and 13164.
7. On December 3, 2021, Central Bowie County WSC and New Boston filed an amended application and on December 17, 2021, and February 17 and May 6, 2022, Central Bowie County WSC and New Boston supplemented the application.
8. The application included a copy of the service-area contract executed by Central Bowie County WSC and New Boston.
9. Upon approval of the application and service area agreement, 2,288 acres will be transferred from Central Bowie County WSC's certificated service area under CCN number 10525 to New Boston's certificated service area under CCN number 13164; six acres will be transferred from Central Bowie County WSC's certificated service area under CCN number 10525 to the applicants' dually certificated service area under CCN numbers 13164 and 10525; 56 acres will be transferred from New Boston's certificated service area under CCN number 13164 to Central Bowie County WSC's certificated service area under CCN number 10525; and 713 acres will be transferred from New Boston's certificated service area under CCN number 13164 to the applicants' dually certificated service area under CCN numbers 13164 and 10525.

10. Upon approval of the application and service area agreement, the applicants' dually certificated service area will comprise a total of 719 acres under CCN numbers 13164 and 10525.
11. There are no customers or facilities within the 2,344 acres of the combined certificated service areas being transferred between the applicants.
12. There are no customers or facilities within the 719 acres of the dually certificated service area.
13. There will be no transfer of customers, assets, or facilities as a result of the service area contract or application.
14. In Order No. 9 filed on June 30, 2022, the administrative law judge (ALJ) found the application administratively complete.

Notice

15. On December 1, 2020, the Central Bowie County WSC board of directors considered and approved the service area agreement at a properly noticed public meeting.
16. The application included a copy of the agenda and minutes from the December 1, 2020 Central Bowie County WSC board of directors meeting as well as a supporting affidavit from Hal Harris, general manager of Central Bowie County WSC.
17. On March 16, 2021, the New Boston city council considered and approved the service area agreement at a properly noticed public meeting.
18. The application included a copy of the agenda and minutes from the March 16, 2021 city council meeting as well as a supporting affidavit from Ronald Humphrey, mayor of New Boston.
19. In Order No. 2 filed on November 4, 2021, the ALJ found the notice sufficient.

Map and Certificates

20. On August 30, 2022, Commission Staff emailed its proposed maps and certificates to the applicants.
21. On September 6, 2022, Central Bowie County WSC filed its consent to Commission Staff's proposed map and certificates.

22. On September 6, 2022, New Boston filed its consent to Commission Staff's proposed map and certificates.

Evidentiary Record

23. In Order No. 10 filed October 11, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the application filed on September 27, 2021, as amended on December 3, 2021, and supplemented on December 17, 2021, February 17, 2022, and May 6, 2022 (b) Commission Staff's comments regarding administrative completeness and proposed procedural schedule filed on June 28, 2022; (c) New Boston's executed consent form filed on September 6, 2022; (d) Central Bowie County WSC's executed consent form filed on September 6, 2022; (e) Commission Staff's comments regarding administrative completeness and proposed procedural schedule filed on September 13, 2022; and (f) the final maps and certificates filed on October 4, 2022.

Informal Disposition

24. More than 15 days have passed since the completion of the notice provided in this docket.
25. No person filed a protest or motion to intervene.
26. Central Bowie County WSC, New Boston, and Commission Staff are the only parties to this proceeding.
27. No party requested a hearing and no hearing is needed.
28. Commission Staff recommend approval of the application.
29. 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. Central Bowie County WSC and New Boston 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 by those retail public utilities, when approved by the Commission, are valid and enforceable and incorporated into the affected CCNs.

4. The application meets the requirements of TWC § 13.248 and 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,¹ and Commission rules.
7. Under TWC § 13.257(r) and (s), Central Bowie County WSC and New Boston must each record a certified copy of its approved map and certificate, along with a boundary description of its service area, in the real property records of Bowie County within 31 days of this Notice of Approval and must 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.

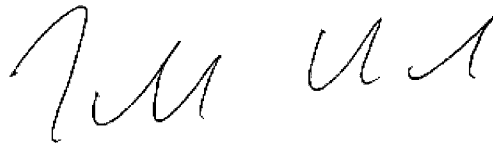
1. The Commission approves the service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends New Boston's CCN number 13164, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends Central Bowie County WSC's CCN number 10525, as described in this Notice of Approval, and as shown on 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. New Boston must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 13164 who requests water service and meets the terms of New Boston's water service policies, and such service must be continuous and adequate.

¹ Tex. Gov't Code §§ 2001.001-.903.

7. Central Bowie County WSC must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 10525 who requests water service and meets the terms of Central Bowie WSC's water service policies, and such service must be continuous and adequate.
8. New Boston and Central Bowie County WSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Bowie County affected by the application and file in this docket proof of the recording no later than 45 days after the date of this Notice of Approval.
9. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted herein.

Signed at Austin, Texas the 14th day of October 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

Central Bowie County WSC

having obtained certification to provide water or sewer 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, Central Bowie County WSC is entitled to this

Certificate of Convenience and Necessity No. 10525

to provide continuous and adequate water utility service to that service area or those service areas in Bowie County/counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52646 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 Central Bowie County WSC 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

City of New Boston

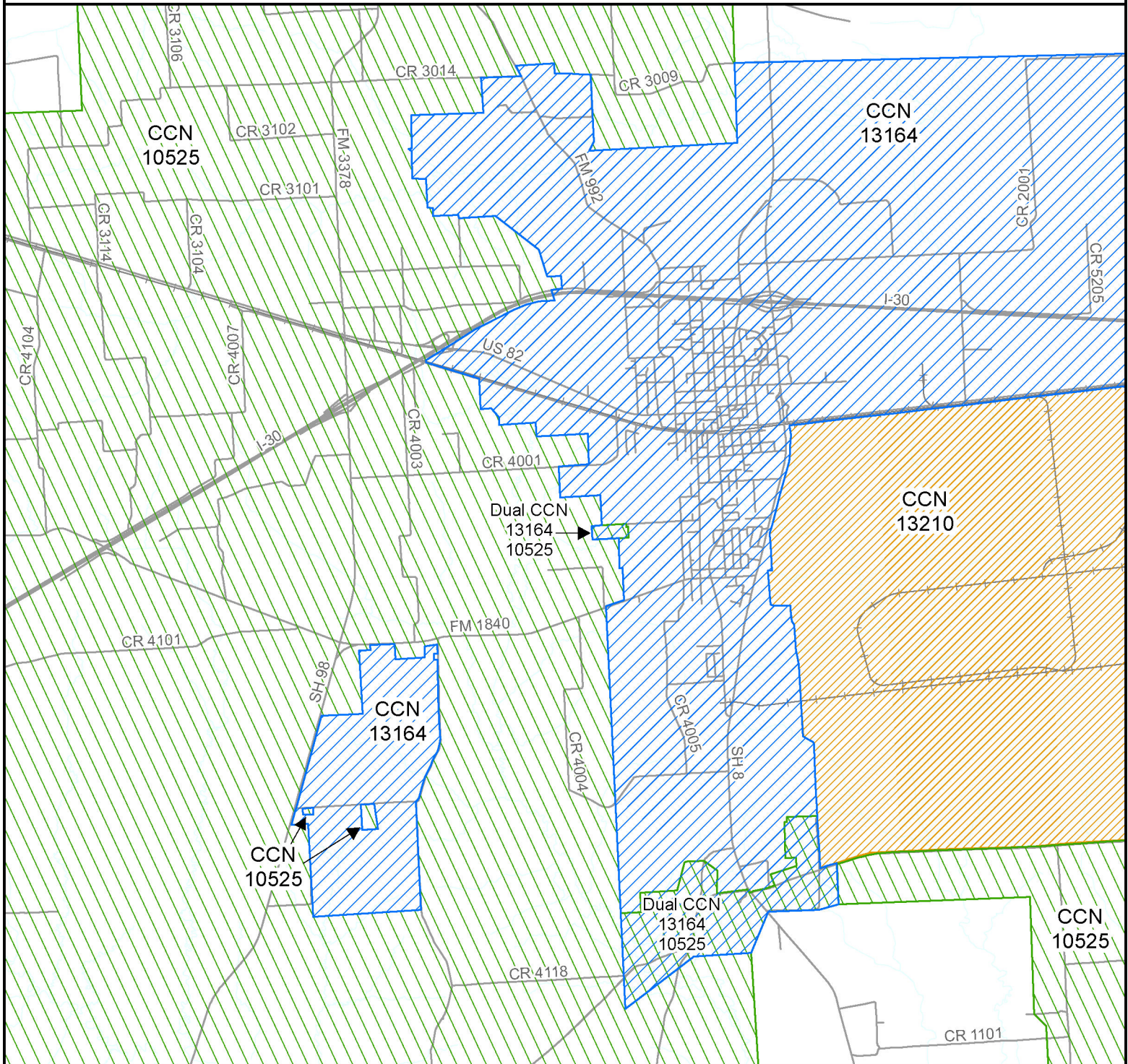
having obtained certification to provide water or sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of New Boston is entitled to this

Certificate of Convenience and Necessity No. 13164




to provide continuous and adequate water utility service to that service area or those service areas in Bowie County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52646 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 New Boston 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 New Boston, Portion of Water CCN No. 13164 and
Central Bowie County Water Supply Corporation, Portion of Water CCN No. 10525
PUC Docket No. 52646

13.248 Agreement Obtained Dual Certification and Amended CCN No. 13164 and CCN No. 10525 in
Bowie County



Water CCN

-  13164 - City of New Boston
-  10525 - Central Bowie County WSC
-  13210 - Riverbend Water Resources District

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