



## Filing Receipt

**Received - 2022-04-08 02:15:27 PM**  
**Control Number - 53011**  
**ItemNumber - 9**

**DOCKET NO. 53011**

|                                    |          |                                  |
|------------------------------------|----------|----------------------------------|
| <b>APPLICATION OF CREEDMOOR-</b>   | <b>§</b> | <b>BEFORE THE</b>                |
| <b>MAHA WATER SUPPLY</b>           | <b>§</b> |                                  |
| <b>CORPORATION AND THE CITY OF</b> | <b>§</b> |                                  |
| <b>AUSTIN FOR APPROVAL OF A</b>    | <b>§</b> |                                  |
| <b>SERVICE AREA CONTRACT UNDER</b> | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>TEXAS WATER CODE 13.248 AND</b> | <b>§</b> |                                  |
| <b>TO AMEND CERTIFICATES OF</b>    | <b>§</b> |                                  |
| <b>CONVENIENCE OF NECESSITY IN</b> | <b>§</b> |                                  |
| <b>TRAVIS COUNTY</b>               | <b>§</b> | <b>OF TEXAS</b>                  |

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of the City of Austin (“City” or “Austin”) and Creedmoor-Maha Water Supply Corporation (“Creedmoor”) for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend water certificates of convenience and necessity (CCNs) in Travis County. The petition seeks to transfer approximately 31.65 acres of water service area from Creedmoor's CCN number 11029 to Austin's CCN number 11322. The Commission approves the service-area contract and amends water CCN numbers 11029 and 11322 accordingly.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicants**

1. Creedmoor is a Texas not for-profit corporation registered with the Texas Secretary of State under file number 0021912201.
2. Creedmoor operates, maintains, and controls facilities for providing water service under CCN number 11029 in Travis, Hays, Bastrop, and Caldwell Counties.
3. Austin is a home rule municipality located in Travis, Hays, Bastrop, and Williamson Counties.

4. Austin operates, maintains, and controls facilities for providing water service under CCN number 11322 in Travis, Hays, Bastrop, and Williamson Counties, Texas.

**Application**

5. On December 16, 2021, Creedmoor and Austin executed a Water Service Area Transfer Agreement (the “Service-Area Contract”) to transfer approximately 31.65 acres of service from Creedmoor under CCN number 11029 to Austin under CCN number 11322.
6. On December 21, 2021, Creedmoor and Austin filed the application at issue in this proceeding for approval of the Service-Area Contract and to amend CCN numbers 11029 and 11322.
7. The application included a copy of the Service-Area Contract executed by Creedmoor and Austin.
8. The approximately 31.65 acres that will be transferred to Austin under CCN number 11322 are within Creedmoor's certificated water service area in Travis County.
9. There are no customers or facilities within the approximately 31.65 acres of service area to be transferred.
10. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or application.
11. In Order No. 2 filed on January 24, 2022, the administrative law judge (ALJ) found the application to be administratively complete.

### **Notice**

12. At an open meeting held on May 24, 2021, the Creedmoor Board of Directors discussed and approved the transfer to Austin of the acreage contained in the application at issue in this proceeding.
13. Exhibit 4 of the application submitted to the PUC contains both the Agenda for and the Minutes from the May 24, 2021 Creedmoor Board of Directors meeting wherein the Board approved of the service area transfer.
14. Exhibit 5 of the application submitted to the PUC is an Affidavit dated August 26, 2021 from Creedmoor's General Manager, Matthew Pickle, attesting to the fact that public notice was correctly carried out.
15. Individual notice is not required because there are no affected customers in the acreage being transferred from Creedmoor to Austin.
16. In Order No. 2 filed on January 24, 2022, the ALJ found the notice sufficient.

### **Certificates and Maps**

17. On February 25, 2022, Commission Staff transmitted via email its proposed final map and certificates to the applicants.
18. On March 1, 2022, Austin, and on March 15, 2022, Creedmoor filed their consents to the map and certificates provided by Commission Staff.

### **Evidentiary Record**

19. On April 8, 2022, the parties filed a joint motion to admit evidence and notice of approval.
20. In Order No. 3 filed on April \_\_\_\_, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the application dated December 21, 2021; (b)

Commission Staff's recommendation on sufficiency of the application and notice, dated January 20, 2022; (c) Creedmoor's consent to the final map and certificate, filed on March 15, 2022; (d) Austin's consent to the final map and certificate, filed on March 1, 2022; (e) Commission Staff's final recommendation and attachments filed on March 11, 2022.

**Informal Disposition**

21. More than 15 days have passed since the completion of the notice provided in this docket.
22. No person filed a protest or motion to intervene.
23. Austin, Creedmoor, and Commission Staff are the only parties to this proceeding.
24. No party requested a hearing, and no hearing is needed.
25. Commission Staff recommended approval of the application.
26. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over the application under Texas Water Code §§ 13.041, 13.241, and 13.248.
2. Creedmoor and Austin are retail public utilities as defined in Texas Water Code § 13.002(19) and 16 TAC § 24.3(59).
3. Under TWC § 13.248, contracts between retail public utilities designating areas to be served, when approved by the Commission, are valid and enforceable and incorporated into the affected CCNs.
4. The application meets the requirements of 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, and Commission rules.
7. Under TWC § 13.257(r) and (s), Austin and Creedmoor are required to record a certified copy of the approved map for the certificate amendments, along with a boundary description of their respective service areas, in the real property records of Travis County within 31 days of receiving this Notice of Approval and to 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 application and service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends Austin's CCN number 11322, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends Creedmoor's CCN number 11029, 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. Austin must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 11322, that requests water service and meets the terms of Austin's water service, and such service must be continuous and adequate.
7. Creedmoor must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 11029, that requests water service and meets the terms of Creedmoor's water service, and such service must be continuous and adequate.
8. Austin and Creedmoor must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Travis 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**KATIE MOORE MARX  
ADMINISTRATIVE LAW JUDGE**