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DOCKET NO. 53262

PETITION OF BLACKLAND WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF ROCKWALL FOR	§	OF TEXAS
APPROVAL TO AMEND	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY UNDER TEXAS	§	
WATER CODE § 13.255(a) IN	§	
ROCKWALL COUNTY	§	

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

Blackland Water Supply Corporation (“Blackland WSC”) and the City of Rockwall (“Rockwall”) (collectively, the “Petitioners”), together with the Staff of the Public Utility Commission of Texas (“Staff”) (collectively, the “Parties”), submit this Agreed Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On September 10, 2021, Blackland WSC and Rockwall filed a joint petition in Docket No. 52551 requesting approval of service area contracts under Texas Water Code (TWC) § 13.254(a) and to amend Blackland WSC’s Certificate of Convenience and Necessity (CCN) No. 11305.¹

On January 21, 2022, Blackland WSC and Rockwall filed a first amended petition in Docket No. 52551 seeking:

- 1) To decertificate, under TWC § 13.254(a) various portions of Blackland WSC’s certificated service area under CCN No. 11305 in light of two agreements between Blackland WSC and developers that were entered into over a period of years, which agreements were attached to the petition.
- 2) A request to approve changes, under TWC § 13.255(a), to Blackland WSC’s certificated service area under CCN No. 11305 based on agreements between Blackland WSC and Rockwall that were entered into over a period of years, which agreements were attached to the petition.

¹ Rockwall provides retail water service only to areas located within its corporate limits and is not required to hold, and does not hold, a CCN.

On February 25, 2022, the Administrative Law Judge entered Order No. 4 in Docket No. 52551 severing Docket No. 52551 into two dockets: one involving the CCN decertification and the other involving the CCN amendments (which became Docket No. 53262).

On March 25, 2022, Rockwall and Blackland WSC pursuant to Order No. 1 in Docket No. 53262, timely filed a joint petition requesting, by agreement, the removal of specified areas located within Rockwall's corporate limits from Blackland WSC's water CCN No. 11305 pursuant to TWC §13.255(a).

II. MOTION TO ADMIT EVIDENCE

The Parties request that the following evidence be admitted into the record:

- A. The joint petition and all attachments, filed on March 25, 2022 (Interchange Item No. 3);
- B. Staff's Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on April 14, 2022 (Interchange Item No. 4).
- C. The Letter to Central Records Clerk (Errata) with Corrected Exhibits "G" and "H", filed on May 13, 2022 (Interchange Item No. 6);
- D. Staff's Amended Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on May 25, 2022 (Interchange Item No. 9);
- E. The Petitioners' Consent Forms, filed on June 29, 2022 (Interchange Item No. 11); and
- F. Staff's Final Recommendation, filed on July 13, 2022 (Interchange Item No. 12).

III. PROPOSED NOTICE OF APPROVAL

The attached Proposed Notice of Approval would grant the joint petition by Blackland WSC and Rockwall to remove, by agreement, certain areas located within Rockwall's corporate limits and Blackland WSC's water CCN No. 11305 pursuant to TWC §13.255(a).

IV. CONCLUSION

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the attached Proposed Notice of Approval be adopted.

Dated: July 27, 2022

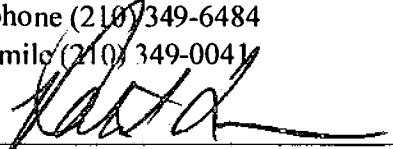
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**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

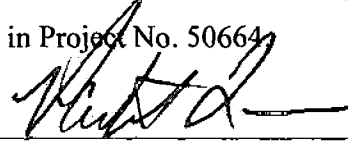
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DOCKET NO. 53262
CERTIFICATE OF SERVICE

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



Patrick W. Lindner

DOCKET NO. 53262

PETITION OF BLACKLAND WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE CITY	§	
OF ROCKWALL FOR APPROVAL TO	§	OF TEXAS
AMEND CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY UNDER	§	
TEXAS WATER CODE § 13.255(a) IN	§	
ROCKWALL COUNTY	§	
	§	

PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the joint application of Blackland Water Supply Corporation (“Blackland WSC”) and the City of Rockwall (“Rockwall”) (collectively, the Petitioners) to amend Blackland WSC’s water Certificate of Convenience and Necessity (CCN) No. 11305 and Rockwall’s water service area in Rockwall County. The Commission amends Rockwall’s water service area to include the requested area and amends Blackland WSC’s water CCN No. 11305 to reflect the removal of the requested service area.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Rockwall is a Texas home rule city located in Rockwall County.
2. Rockwall operates, maintains, and controls facilities for providing retail water service only within its corporate limits and is not required to hold and does not hold a CCN.
3. Blackland WSC is a Texas non-profit water supply corporation registered with the Texas secretary of state under filing number 0022170201.
4. Blackland WSC operates, maintains, and controls facilities for providing retail water service in Rockwall County under CCN No. 11305.

Application

5. Blackland WSC and Rockwall executed three agreements dating from 1989 to 2012 for Rockwall to acquire portions of Blackland WSC’s retail water service area and facilities under CCN No. 11305. The copies of the three agreements are included in the application.

6. On March 25, 2022, Rockwall and Blackland WSC, pursuant to Order No. 1 in Docket No. 53262, timely filed the joint petition at issue in this proceeding requesting, by agreement, the removal of specified water service areas located within Rockwall's corporate limits from Blackland WSC's water utility CCN No. 11305 pursuant to TWC §13.255(a).

7. On May 13, 2022, the Petitioners filed supplemental information.

8. The requested area consists of approximately 649 acres and 3 miles of Facilities +200' CCN located within Rockwall's corporate limits.

9. In Order No. 2 filed on April 18, 2022, the administrative law judge (ALJ) found the application administratively complete.

Notice

10. The facts establish that this proceeding is being brought jointly by the only two affected retail water service providers and that the affected customers have been receiving service from Rockwall for some time. Likewise, no impacts to customers will occur if the relief is requested. As such, notice to affected providers would be unnecessary.

11. In Order No. 2 filed on April 18, 2022, the ALJ deemed the notice sufficient.

Map and Certificate

12. On June 20, 2022, Staff emailed the final map and certificates to Rockwall and Blackland WSC.

13. On June 29, 2022, the Petitioners filed their consent forms to the final map and certificates.

14. On July ____, 2022, the parties filed the proposed final map and certificates as attachments to the joint motion to admit evidence and proposed notice of approval.

Evidentiary Record

15. On July ____, 2022, the parties filed a joint motion to admit evidence and proposed notice of approval.

16. In Order No. 5 filed on July ____, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the joint petition and all attachments, filed on March 25, 2022; (b) Staff's Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule; (c) the Letter to Central Records Clerk

(Errata) with Corrected Exhibits “G” and “H”; (d) Staff’s Amended Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule; (e) The Petitioners’ Consent Forms; and (f) Staff’s Final Recommendation, filed on July 13, 2022.

Informal Disposition

17. More than 15 days have passed since the completion of the notice provided in this docket.
18. No person filed a protest or motion to intervene.
19. Rockwall, Blackland WSC, and Commission Staff are the only parties to this proceeding.
20. No party requested a hearing and no hearing is needed.
21. Commission Staff recommended that the application be approved.
22. The decision is not adverse to any party.

II. Conclusion of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under Texas Water Code (TWC) § 13.041, 13.241, 13.255(a).
2. Blackland WSC and Rockwall are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31) and Blackland WSC is a water supply corporation as defined in TWC § 13.002(24) and 16 TAC § 24.3(40).
3. Rockwall operates a municipally owned utility as defined in TWC § 13.002(13).
4. The ALJ found that the petitioners satisfied the notice requirements of 16 TAC § 24.259(c) and (d) and that no further notice is required.
5. The Commission processed the application as required by the Administrative Procedure Act,² the TWC, and Commission rules.
6. Rockwall and Blackland WSC are entitled to approval of their application to remove areas from Blackland WSC’s CCN No. 11305, having demonstrated that the service area to be removed is within Rockwall’s corporate limits and having provided a

² Administrative Procedure Act, Tex. Gov’t Code §§ 2001.001–903.

copy of the agreements, which state that Rockwall may serve the requested area, as required by TWC § 13.255(a).

7. Under TWC § 13.257(r) and (s), Rockwall and Blackland WSC must record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of Rockwall County within 31 days of receiving this Notice of Approval and must submit evidence of this recording to the Commission.

8. The requirements for informal disposition in 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 Blackland WSC's water CCN No. 11305 to remove the requested area as described in this Notice of Approval and shown on the attached map. The future customers within the area removed from Blackland WSC's water CCN are inside the city limits and will receive water service from Rockwall.

2. The Commission approves the map and certificate attached to this Notice of Approval.

3. Rockwall must serve every customer and applicant for service within the service area removed from water CCN No. 11305 who requests water service and meets the terms of Rockwall's water service, and such service must be continuous and adequate.

4. Blackland WSC is no longer required to serve any customer and applicant for service within the areas removed from its CCN No. 11305.

5. Rockwall and Blackland WSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Rockwall County affected by the application and file in the docket proof of the recording 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 been expressly granted.

Signed at Austin, Texas the _____ day of _____ 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE