



Filing Receipt

Received - 2022-07-12 02:00:57 PM

Control Number - 53297

ItemNumber - 10

PUC DOCKET NO. 53297

APPLICATION OF THE CITY OF JUSTIN	§	
AND AQUA TEXAS, INC. FOR	§	
APPROVAL OF SERVICE AREA	§	PUBLIC UTILITY COMMISSION
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	OF TEXAS
CERTIFICATES OF CONVENIENCE AND	§	
NECESSITY IN DENTON COUNTY	§	

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW City of Justin, Aqua Texas, Inc. (Aqua), and the Staff of the Public Utility Commission of Texas (Staff) (collectively, Parties) and submit this Joint Motion to Admit Evidence and Proposed Notice of Approval and in response to Order No. 2. In support thereof, the Parties show the following:

I. BACKGROUND

On March 1, 2022, the City of Justin and Aqua (Applicants) filed an application under Texas Water Code (TWC) § 13.248 for approval of a service area contract and to amend their water certificates of convenience and necessity (CCN) in Denton County. Justin holds CCN No. 10167, and Aqua holds CCN No. 13201. The Applicants, by mutual agreement, request that the CCNs be amended to reflect the transfer of approximately 9.7 acres. The agreement does not contemplate a transfer of facilities or customers between the Applicants.

The application was filed pursuant to TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Order No. 2, issued by the Commission Administrative Law Judge (ALJ) on April 4, 2022, established a deadline of July 12, 2022, for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The parties request the entry of the following into the record of this proceeding:

1. The application and all exhibits, including the agreement between City of Justin and Aqua and City of Justin’s City Council meeting agenda and minutes, filed on March 1, 2022 (Interchange Item No. 1);
2. Applicants’ Digital Mapping Data, filed on March 1, 2022 (Interchange Item No. 2);
3. Applicants’ Supplement to the Application, filed on March 7, 2022 (Interchange Item No. 4);

4. Commission Staff's Recommendation on Administrative Completeness and Proposed Schedule, filed on April 1, 2022 (Interchange Item No. 5);
5. City of Justin's and Aqua's executed consent forms, filed on June 8, 2022, and June 16, 2022, respectively (Interchange Item Nos. 7 and 8);
6. Commission Staff's Recommendation on Final Disposition and Supporting Documentation, filed on June 30, 2022 (Interchange Item No. 9); and
7. The attached final map and certificates provided by Commission Staff to the City of Justin and Aqua on June 2, 2022, and consented to by the City of Justin on June 8, 2022 (Interchange Item No. 7) and by Aqua on June 16, 2022 (Interchange Item No. 8).

III. JOINT PROPOSED NOTICE OF APPROVAL

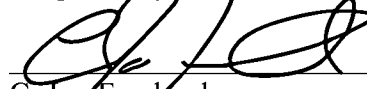
The Parties have agreed on the attached Joint Proposed Notice of Approval, which would grant the Application. Also attached are the final map and certificates consented to by the Applicants.

IV. CONCLUSION

Staff and Aqua have agreed that the City of Justin is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

Dated: July 12, 2022

Respectfully submitted,

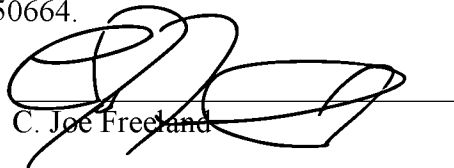


C. Joe Freeland
State Bar No. 07417500
Mathews & Freeland, LLP
8140 N. MoPac Expy, Ste 4-240
Austin, Texas 78759
T: (512) 404-7800 F: (512) 703-2785

ATTORNEYS FOR CITY OF JUSTIN

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 12, 2022, in accordance with the Orders Suspending Rules filed in Project No. 50664.



C. Joe Freeland

PUC DOCKET NO. 53297

APPLICATION OF THE CITY OF JUSTIN	§	
AND AQUA TEXAS, INC. FOR	§	
APPROVAL OF SERVICE AREA	§	PUBLIC UTILITY COMMISSION
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	OF TEXAS
CERTIFICATES OF CONVENIENCE AND	§	
NECESSITY IN DENTON COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Justin and Aqua Texas, Inc. (Aqua), 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 Denton County. The application seeks the transfer of approximately 9.7 acres of Aqua’s service area under CCN number 13201 with the City of Justin under CCN number 10167. The Commission approves the service-area contract and amends CCN numbers 13201 and 10167 accordingly.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Aqua is a domestic for-profit corporation registered with the Texas Secretary of State under file number 0800304878 (Texas Taxpayer No. 32014405503).
2. Aqua operates, maintains, and controls facilities for providing retail water service in Denton County under water CCN number 13201.
3. City of Justin is a municipality located in Denton County.
4. City of Justin operates, maintains, and controls facilities for providing retail water service in Denton County under water CCN number 10167.

Application

5. On February 16, 2022, Aqua and City of Justin executed a retail water service agreement (the service area contract) to amend their water CCNs in Denton County, Texas.
6. On March 1, 2022, Aqua and City of Justin filed the application at issue in this proceeding for approval of the service area contract and to amend CCN numbers 10167 and 13201.

7. The application included a copy of the service area contract executed by Aqua and City of Justin in which Aqua and the City of Justin agreed to the transfer of 9.7 acres of CCN water service area rights from Aqua to City of Justin in Denton County.
8. There are no customers within the approximately 9.7 acres of service area to be transferred.
9. There will be no transfer of customers, assets, or facilities as a result of the service area contract or application.
10. In Order No. 2 filed on April 4, 2022, the administrative law judge (ALJ) found the application administratively complete.

Notice

11. On January 25, 2022, the City of Justin's City Council approved the service-area contract.
12. The application included a copy of the agenda and minutes from the January 25, 2021, City Council meeting as well as a supporting affidavit from Chuck Ewings, City Manager of the City of Justin.
13. In Order No. 2 filed on April 4, 2022, the ALJ found the notice sufficient.

Certificates and Map

14. On June 2, 2022, Commission Staff emailed its proposed map and certificates to the applicants.
15. On June 8, 2022, the City of Justin and on June 16, 2022, Aqua filed their consents to the map and certificates provided by Commission Staff.
16. On July 12, 2022, the proposed maps and certificates were filed as attachments to the parties' joint motion to admit evidence and proposed notice of approval.

Evidentiary Record

17. On July 12, 2022, the parties filed a joint motion to admit evidence and notice of approval.
18. In Order No. 3 filed on _____, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the application and all exhibits, including the agreement between City of Justin and Aqua and City of Justin's City Council meeting agenda and minutes, filed on March 1, 2022 (Interchange Item No. 1); (b) Applicants' Digital Mapping Data, filed on March 1, 2022 (Interchange Item No. 2); (c) Applicants' Supplement to the Application, filed on March 7, 2022 (Interchange Item No. 4); (d) Commission Staff's Recommendation on Administrative Completeness and Proposed Procedural Schedule, filed on April 1, 2022 (Interchange Item No. 5); (e) City of Justin's and Aqua's executed

consent forms, filed on June 8, 2022 and June 16, 2022, respectively (Interchange Item Nos. 7 and 8); (f) Commission Staff's Recommendation on Final Disposition and Supporting Documentation, filed on June 30, 2022 (Interchange Item No. 9); and (g) the attached final map and certificates.

Informal Disposition

19. More than 15 days have passed since the completion of the notice provided in this docket.
20. No person filed a protest or motion to intervene.
21. City of Justin, Aqua, and Commission Staff are the only parties to this proceeding.
22. No party requested a hearing, and no hearing is needed.
23. Commission Staff recommended approval of the application.
24. 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. City of Justin and Aqua are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
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 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 Commission processed the application in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.
7. Under TWC § 13.257(r) and (s), City of Justin and Aqua 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 Denton County within 31 days of receiving this Notice of Approval and to submit evidence of the recording to the Commission.

¹ Tex. Gov't Code Ann. §§ 2001.001-.902.

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:

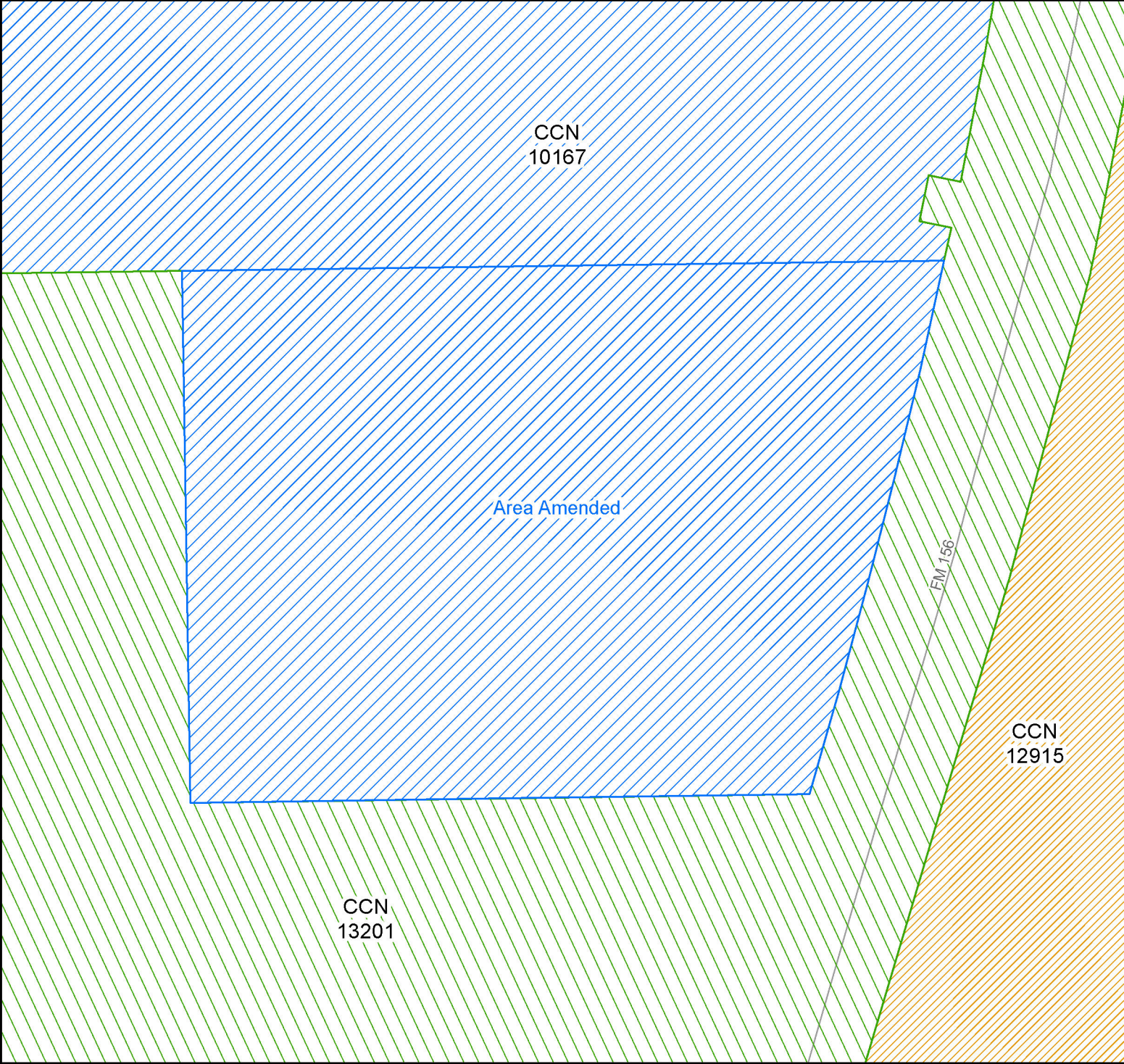
1. The Commission approves the application and service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends City of Justin's water CCN 10167 as described in this Notice of Approval.
3. The Commission amends Aqua's water CCN number 13201 as described in this Notice of Approval and as shown in 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. City of Justin must provide service to every customer and qualified applicant for water service within the approved area under CCN number 10167 that requests water service and meets the terms and conditions of City of Justin's requirements for service, and such service must be continuous and adequate.
7. Aqua must provide service to every customer and qualified applicant for water service within the approved area under CCN number 13201 that requests water service and meets the terms and conditions of Aqua's requirements for water service, and such service must be continuous and adequate.
8. City of Justin and Aqua must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Denton County affected by the application and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice of Approval.
9. The Commission denies all other motions and any other requests for general or specific relief not expressly granted herein.

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

PUBLIC UTILITY COMMISSION OF TEXAS




ISSAC TA
ADMINISTRATIVE LAW JUDGE

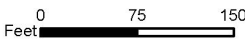
City of Justin
Portion of Water CCN No. 10167
PUC Docket No. 52536
13.248 Agreement Amended CCN No. 10167 and
Decertified a Portion of Aqua Texas, Inc., CCN No. 13201 in Denton County



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

Water CCN

-  10167 - City of Justin
-  13201 - Aqua Texas Inc
-  12915 - Town of Northlake



Map by: Komal Patel
Date: April 19, 2022
Project: 53297CityofJustin.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Justin

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, City of Justin is entitled to this

Certificate of Convenience and Necessity No. 10167

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53297 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 Justin 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

Aqua Texas, Inc.

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, Aqua Texas, Inc. is entitled to this

Certificate of Convenience and Necessity No. 13201

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, McLennan, Marion, Parker, Smith, Somervell, Tarrant, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53297 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 Aqua Texas, Inc. 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.