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DOCKET NO. 54377

PETITION OF MILLIGAN WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF PRINCETON FOR	§	
APPROVAL OF SERVICE AREA	§	OF TEXAS
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN COLLIN	§	
COUNTY	§	

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COME NOW, Milligan Water Supply Corporation (Milligan) and the City of Princeton (City), together with the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest (collectively, the Parties) to file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties would respectfully show as follows:

I. BACKGROUND

1. On November 28, 2022, on behalf of Milligan and the City (collectively, the Petitioners), Milligan filed a petition (Petition) with the Commission under Texas Water Code § 13.248 and 16 Texas Administrative Code § 24.253, for approval of a service area contract (Contract) and to amend Petitioners' water certificates of convenience and necessity (CCNs) in Collin County. The City holds water CCN No. 13195 and Milligan holds water CCN No. 10188. The Petitioners, by mutual agreement, seek approval to alter the boundaries and transfer the affected certificated water service areas as follows: the requested area to be transferred from the City to Milligan is approximately 2.08 total acres; and the requested area to be transferred from Milligan to the City is approximately 0.53 total acres.

2. On March 8, 2023, the Administrative Law Judge (ALJ) issued Order No. 3, Finding Petition, as Supplemented, Administratively Complete, Notice Sufficient, and Establishing Procedural Schedule, which required that the Parties file joint proposed findings of fact and conclusions of law by May 22, 2023, if no hearing was requested. This pleading is therefore timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

1. The Petition, and all attachments, filed on November 28, 2022 (Interchange Item No. 1);
2. Petitioners' supplemental filing, Affidavits of Milligan and City, filed on January 20, 2023 (Interchange Item No. 5);
3. Petitioners' supplemental mapping, filed on January 24, 2023 (Interchange Item No. 6);
4. Petitioners' supplemental filing, Affidavits Confirming Acreage Transfer, filed on February 7, 2023 (Interchange Item No. 7);
5. Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on March 7, 2023 (Interchange Item No. 8);
6. Petitioners' consent to the final map and certificates, filed on May 8, 2023 (Interchange Item No. 10);
7. Commission Staff's Final Recommendation, including all attachments thereto, filed on May 15, 2023 (Interchange Item No. 11); and
8. The attached map and certificates.

III. PROPOSED NOTICE OF APPROVAL

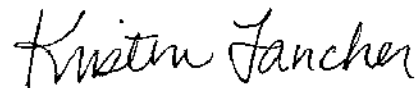
The Parties move for adoption of the attached Joint Proposed Notice of Approval, attached hereto as **Attachment A**, which would approve the Petition to amend water CCN Nos. 13195 and 10188 in Collin County, Texas. All Parties support this motion, as well as approval of the Petition.

IV. CONCLUSION

The Parties respectfully request that the Commission grant this Joint Motion to Admit Evidence and adopt the attached Joint Proposed Notice of Approval.

Respectfully submitted,

FANCHER LEGAL, PLLC
6136 Frisco Square Blvd., Suite 400
Frisco, Texas 75034
Phone: (469) 925-0022



KRISTEN O. FANCHER
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**ATTORNEY FOR MILLIGAN
WATER SUPPLY CORPORATION**

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

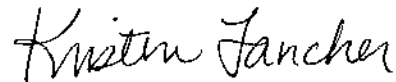
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Interim Division Director

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CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on May 22, 2023, in accordance with the Order Suspending Rules issued in Project No. 50664.



Kristen O. Fancher

Attachment A

JOINT PROPOSED NOTICE OF APPROVAL

DOCKET NO. 54377

PETITION OF MILLIGAN WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF PRINCETON FOR	§	
APPROVAL OF SERVICE AREA	§	OF TEXAS
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CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN COLLIN	§	
COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the petition by Milligan Water Supply Corporation (“Milligan WSC”) and the City of Princeton (“Princeton”) for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity (CCNs) in Collin County. The Petitioners seek to transfer approximately 2.08 acres of certificated service area from Princeton under CCN number 13195 to Milligan WSC under CCN number 10188 and to transfer 0.53 acres of certificated service area from Milligan WSC under CCN number 10188 to Princeton under CCN number 13195. The Commission approves the service-area contract and amends CCN numbers 10188 and 13195 to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Milligan WSC is a Texas non-profit corporation registered with the Texas Secretary of State under file number 0021502501.
2. Milligan WSC operates, maintains, and controls facilities for providing retail water service under CCN number 10188 in Collin County.

3. Princeton is a municipal corporation located in Collin County.
4. Princeton operates, maintains, and controls facilities for providing retail water service under CCN number 13195 in Collin County.

Petition

5. On September 14, 2022, Milligan WSC and Princeton executed Agreement Designating Retail Water Service Territory (the service-area contract) to transfer 2.08 acres of certificated service area from Princeton under CCN number 13195 to Milligan WSC under CCN number 10188 and to transfer 0.53 acres of certificated service area from Milligan WSC under CCN number 10188 to Princeton under CCN number 13195.
6. On November 28, 2022, Milligan WSC and Princeton filed the petition at issue in this proceeding for approval of the service-area contract and to amend CCN numbers 10188 and 13195.
7. On January 20, 2023; January 24, 2023; and February 7, 2023, the Petitioners filed supplemental application information.
8. The petition included a copy of the service-area contract executed by Milligan WSC and Princeton.
9. The 2.08 acres that will be transferred to Milligan WSC under CCN number 10188 are within Princeton's certificated water service area in Collin County.
10. The 0.53 acres that will be transferred to Princeton under CCN number 13195 are within Milligan WSC's certificated water service area in Collin County.

11. There are no customers, assets, or facilities within the approximately 2.08-acre and 0.53-acre service areas to be transferred as a result of the service area transfer contract or petition.
12. In Order No. 3 filed on March 8, 2023, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

Notice

13. On September 12, 2022, Princeton's city council discussed and approved the transfer of approximately 2.08-acres of water service area from Princeton under CCN number 13195 to Milligan WSC under CCN number 10188 and approximately 0.53-acre of water service area from Milligan WSC under CCN number 10188 to Princeton under CCN number 13195.
14. At an open meeting held on September 14, 2022, Milligan WSC's board of directors discussed and approved the transfer of the acreage at issue in this proceeding.
15. The petition as supplemented, included a copy of the agenda and approved minutes from the Princeton city council meeting on September 12, 2022, and a supporting affidavit from Derek Borg, Princeton's City Manager, certifying the agenda and minutes.
16. The petition as supplemented, included a copy of the agenda and approved minutes from the Milligan WSC board of directors meeting on September 14, 2022, and a supporting affidavit from Candi Blisard, Milligan WSC's General Manager, certifying the agenda and minutes.
17. Individual notice is not required because there are no affected customers in the acreage being transferred between Princeton and Milligan WSC.
18. In Order No. 3, filed on March 8, 2023, the ALJ found the notice sufficient.

Map and Certificates

19. On May 1, 2023, Commission Staff emailed its proposed map and certificates to Milligan WSC and Princeton.
20. On May 8, 2023, Milligan WSC filed its consent to the proposed map and certificates.
21. On May 8, 2023, Princeton filed its consent to the proposed map and certificates.
22. On May 22, 2023, the proposed map and certificates were filed as attachments to the parties' joint motion to admit evidence and proposed notice of approval.

Evidentiary Record

23. In Order No. 4 filed on _____, 2023, the ALJ admitted the following into the record of this proceeding:
 - a) The Petition, and all attachments, filed on November 28, 2022 (Interchange Item No. 1);
 - b) Petitioners' supplemental filing, Affidavits of Milligan and City, filed on January 20, 2023 (Interchange Item No. 5);
 - c) Petitioners' supplemental mapping, filed on January 24, 2023 (Interchange Item No. 6);
 - d) Petitioners' supplemental filing, Affidavits Confirming Acreage Transfer, filed on February 7, 2023 (Interchange Item No. 7);
 - e) Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on March 7, 2023 (Interchange Item No. 8);
 - f) Petitioners' consent to the final map and certificates, filed on May 8, 2023 (Interchange Item No. 10);
 - g) Commission Staff's Final Recommendation, including all attachments thereto, filed on May 15, 2023 (Interchange Item No. 11); and
 - h) The attached map and certificates.

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. Milligan WSC, Princeton, and Commission Staff are the only parties to this proceeding.
27. No party requested a hearing and no hearing is needed.
28. No issues of fact or law remain disputed by any party.
29. Commission Staff recommended approval of the petition.
30. 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 petition under TWC §§ 13.041 and 13.248.
2. Milligan WSC and Princeton 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 petition meets the requirements of TWC § 13.248 and 16 TAC § 24.253.
5. Public notice of the petition was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
6. The petition was processed in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.

¹ Tex. Gov't Code §§ 2001.001-.903.

7. Under TWC § 13.257(r) and (s), Milligan WSC and Princeton 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 Collin 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 Milligan WSC's water CCN number 10188, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends Princeton's water CCN number 13195, 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. Milligan WSC must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 10188 who requests water service and meets the terms of Milligan WSC's water service policies, and such service must be continuous and adequate.
7. Princeton must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 13195 who requests water service

and meets the terms of Princeton's water service policies, and such service must be continuous and adequate.

8. Milligan WSC and Princeton must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Collin County affected by the petition 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.

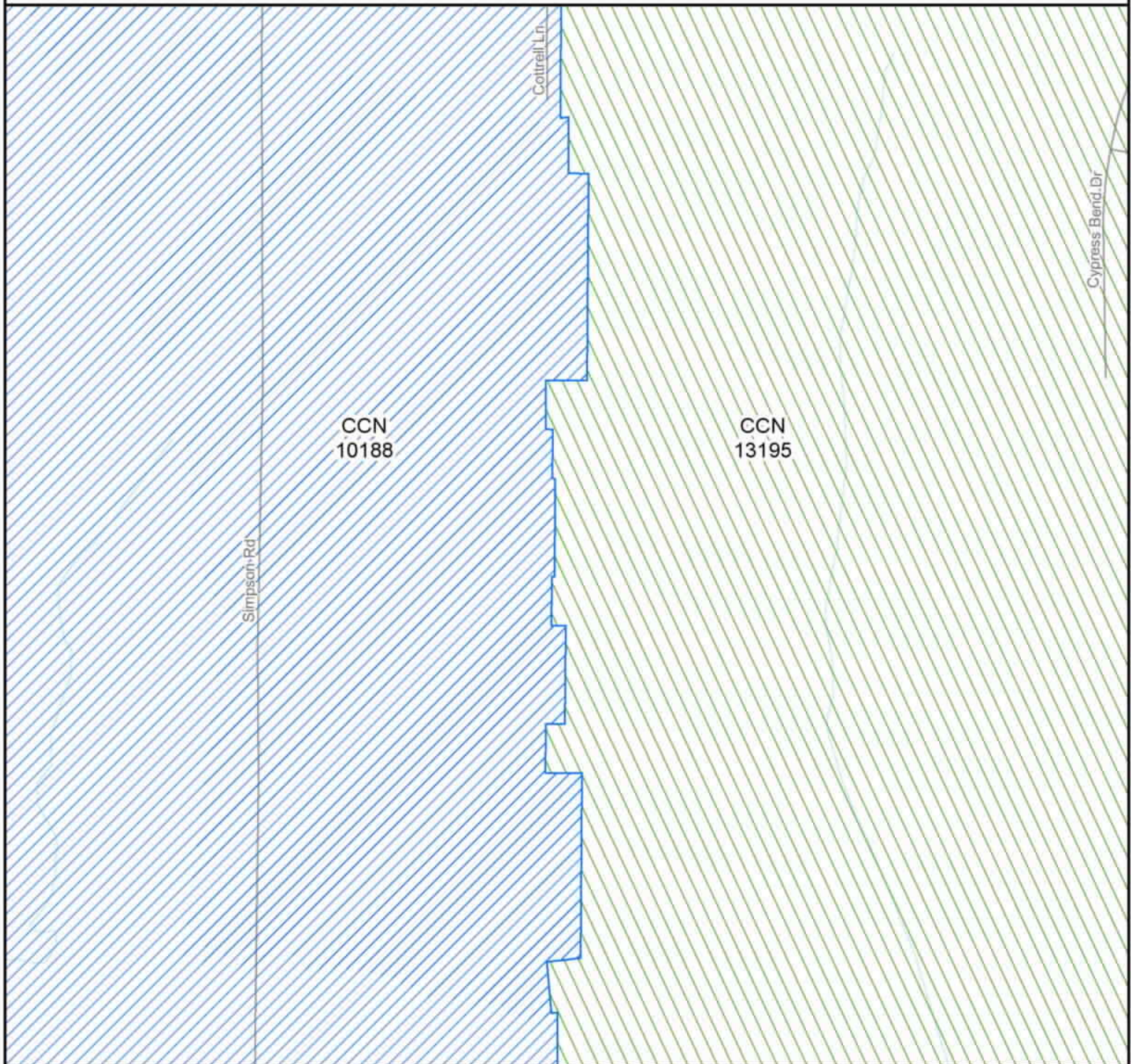
Signed at Austin, Texas the _____ day of _____ 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

Milligan Water Supply Corporation - Portion of Water, CCN No. 10188 and
City of Princeton - Portion of Water, CCN No. 13195
PUC Docket No. 54377

13.248 Agreement to Transfer a Portion of Milligan Water Supply Corporation, CCN No. 10188 and
a Portion of City of Princeton, CCN No. 13195 in Collin County



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

Water CCN

-  10188 - Milligan WSC
-  13195 - City of Princeton

0 200 400
Feet



Map by: Komal Patel
Date: March 29, 2023
Project: 54377MilliganWSC.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Milligan Water Supply Corporation

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, Milligan Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10188

to provide continuous and adequate water utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54377 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 Milligan Water Supply Corporation 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 Princeton

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 Princeton is entitled to this

Certificate of Convenience and Necessity No. 13195

to provide continuous and adequate water utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54377 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 Princeton 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.