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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	§	

**REVISED 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 Revised 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 July 5, 2023, the Administrative Law Judge (ALJ) issued Order No. 5, requiring that the Parties file revised joint proposed findings of fact, conclusions of law, and ordering paragraphs by August 16, 2023. This pleading is therefore timely filed.

II. REVISED 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' Amended Petition in Response to Order No. 4 Requiring Clarification, and all attachments, filed on June 12, 2023 (Interchange Item No. 14);
7. Petitioners' consent to the final map & certificates and the attached final map & certificates provided by Staff to Petitioners on July 19, 2023, filed on July 26, 2023 (Interchange Item No. 17); and
8. Commission Staff's Revised Final Recommendation, including all attachments thereto, filed on August 9, 2023 (Interchange Item No. 18).

III. REVISED PROPOSED NOTICE OF APPROVAL

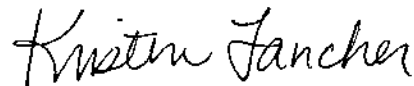
The Parties move for adoption of the attached Revised Joint Proposed Notice of Approval, attached hereto as **Attachment A**, which would approve the Petition, as amended, to amend water CCN Nos. 13195 and 10188 in Collin County, Texas. All Parties support this motion, as well as approval of the Petition,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

IV. CONCLUSION

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

Respectfully submitted,

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**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

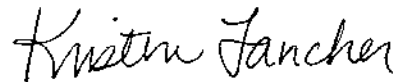
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CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on August 16, 2023, in accordance with the Order Suspending Rules issued in Project No. 50664.



Kristen O. Fancher

Attachment A

REVISED JOINT PROPOSED NOTICE OF APPROVAL

DOCKET NO. 54377

PETITION OF MILLIGAN WATER	§	PUBLIC UTILITY COMMISSION
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REVISED JOINT PROPOSED NOTICE OF APPROVAL

This Revised Notice of Approval addresses the petition, as amended, 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. Revised 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. On June 12, 2023, Petitioners filed an Amended Petition in response to Order No. 4 requiring clarification related to the service areas being transferred.
9. The amended petition included a copy of the service-area contract executed by Milligan WSC and Princeton.
10. 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.
11. 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.

12. 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.
13. In Order No. 3 filed on March 8, 2023, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.
14. In Order No. 5 filed on July 5, 2023, the ALJ found the amended petition cured the problems identified in Order No. 4 regarding the service areas being transferred.

Notice

15. 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.
16. 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.
17. The petition as supplemented and amended, 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.
18. The petition as supplemented and amended, 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.

19. Individual notice is not required because there are no affected customers in the acreage being transferred between Princeton and Milligan WSC.
20. In Order No. 3, filed on March 8, 2023, the ALJ found the notice sufficient.

Map and Certificates

21. On July 19, 2023, Commission Staff emailed its proposed map and certificates to Milligan WSC and Princeton.
22. On July 26, 2023, Milligan WSC filed its consent to the proposed map and certificates.
23. On July 26, 2023, Princeton filed its consent to the proposed map and certificates.
24. On July 26, 2023, Petitioners filed the proposed final map and certificates in the record of this proceeding.

Evidentiary Record

25. In Order No. 6 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;
 - b) Petitioners' supplemental filing, Affidavits of Milligan and City, filed on January 20, 2023;
 - c) Petitioners' supplemental mapping, filed on January 24, 2023;
 - d) Petitioners' supplemental filing, Affidavits Confirming Acreage Transfer, filed on February 7, 2023;
 - e) Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on March 7, 2023;
 - f) Petitioners' Amended Petition in Response to Order No. 4 Requiring Clarification, and all attachments, filed on June 12, 2023;
 - g) Petitioners' consent to the final map & certificates and the attached final map &

certificates provided by Staff to Petitioners on July 19, 2023, filed on July 26, 2023; and

- h) Commission Staff's Revised Final Recommendation, including all attachments thereto, filed on August 9, 2023.

Informal Disposition

26. More than 15 days have passed since the completion of the notice provided in this docket.
27. No person filed a protest or motion to intervene.
28. Milligan WSC, Princeton, and Commission Staff are the only parties to this proceeding.
29. No party requested a hearing and no hearing is needed.
30. No issues of fact or law remain disputed by any party.
31. Commission Staff recommended approval of the petition, as amended.
32. This decision is not adverse to any party.

II. Revised 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, as amended, meets the requirements of TWC § 13.248 and 16 TAC § 24.253.
5. Public notice of the petition, as amended, was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
6. The petition, as amended, was processed in accordance with the TWC, the Administrative

Procedure Act,¹ and Commission rules.

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. Revised 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 included in the Petitioners' July 26, 2023 filing.
3. The Commission amends Princeton's water CCN number 13195, as described in this Notice of Approval, and as shown on the map included in the Petitioners' July 26, 2023 filing.
4. The Commission approves the map included in the Petitioners' July 26, 2023 filing.
5. The Commission issues the certificates attached to the Petitioners' July 26, 2023 filing.
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

¹ Tex. Gov't Code §§ 2001.001-.903.

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, as amended, 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