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DOCKET NO. 54377

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

NOTICE OF APPROVAL

This Notice of Approval addresses the petition of Milligan Water Supply Corporation and the City of 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: (a) transfer approximately 2.08 acres of certificated service area from Princeton under CCN number 13195 to Milligan WSC under CCN number 10188; and (b) transfer approximately 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 nonprofit 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 in Collin County under CCN number 10188.
3. Princeton is a municipality located in Collin County.
4. Princeton operates, maintains, and controls facilities for providing retail water service in Collin County under CCN number 13195.

Petition

5. Effective September 14, 2022, Milligan WSC and Princeton entered into an agreement designating retail water service territory (the service-area contract) in which they agreed to exchange portions of their certificated service areas under their CCNs.
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 in Collin County.
7. The petition included a copy of the service-area contract executed by Milligan WSC and Princeton.
8. On January 20 and 24, and February 7, 2023, the petitioners filed supplements to the petition.
9. In Order No. 3 filed on March 8, 2023, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.
10. On June 12, 2023, Milligan WSC and Princeton filed an amended petition.
11. Under the service-area contract and the amended petition: (a) approximately 2.08 acres of water service area will be transferred from Princeton under CCN number 13195 to Milligan WSC under CCN number 10188; and (b) approximately 0.53 acres of water service area will be transferred from Milligan WSC under CCN number 10188 to Princeton under CCN number 13195.
12. The 2.08 acres that will be transferred to Milligan WSC under CCN number 10188 are currently within Princeton's certificated water service area in Collin County.
13. The 0.53 acres that will be transferred to Princeton under CCN number 13195 are currently within Milligan WSC's certificated water service area in Collin County.
14. There are no customers or facilities within the requested service areas to be transferred.
15. There will be no transfer of customers, assets, or facilities as a result of the service-area contract or petition.

Notice

16. At a city council meeting held on September 12, 2022, Princeton's city council discussed and approved entering into the service-area contract.
17. At an open meeting held on September 14, 2022, Milligan WSC's board of directors discussed and approved entering into the service-area contract.
18. The petition, as supplemented and amended, included a copy of the agenda and approved minutes from Princeton's city council meeting on September 12, 2022, and a supporting affidavit from Derek Borg, Princeton's city manager, certifying the agenda and minutes.
19. The petition, as supplemented and amended, included a copy of the agenda and approved minutes from Milligan WSC's 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.
20. Individual notice is not required because there are no affected customers in the areas being transferred.
21. In Order No. 3 filed on March 8, 2023, the ALJ found the notice sufficient.

Map and Certificates

22. On July 19, 2023, Commission Staff emailed its revised final map and certificates to Milligan WSC and Princeton.
23. On July 26, 2023, Milligan WSC and Princeton each filed a revised consent to the revised final map and certificates.
24. On July 26, 2023, the revised final map and certificates were included as attachments to the amended consent forms filed by Milligan WSC and Princeton.

Evidentiary Record

25. In Order No. 6 filed on August 24, 2023, the ALJ admitted the following evidence into the record of this proceeding:
 - a. the petition and all attachments filed on November 28, 2022;
 - b. the petitioners' supplemental affidavits filed on January 20, 2023;
 - c. the petitioners' supplemental mapping filed on January 24, 2023;

- d. the petitioners' supplemental affidavits confirming the acreage transfers filed on February 7, 2023;
- e. Commission Staff's supplemental recommendation on administrative completeness and notice and proposed procedural scheduled filed on March 7, 2023;
- f. the petitioners' amended petition and all attachments filed on June 12, 2023;
- g. the petitioners' revised consent to the final map and certificates filed on July 26, 2023;
- h. the revised final map and certificates attached to petitioners' consent forms filed on July 26, 2023; and
- i. Commission Staff's revised final recommendation and attachment 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. Commission Staff recommend approval of the petition.
- 31. 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 and customers 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. Notice of the petition was given in accordance with 16 TAC § 24.253(c).
6. The petition 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 the approved map and certificates, along with a boundary description of their respective service areas, 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 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 approves the service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends Milligan WSC's 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 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 its 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.

¹ Tex. Gov't Code §§ 2001.001-.903.

7. Princeton must provide service to every customer and qualified applicant for water service within its 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 25th day of August 2023.

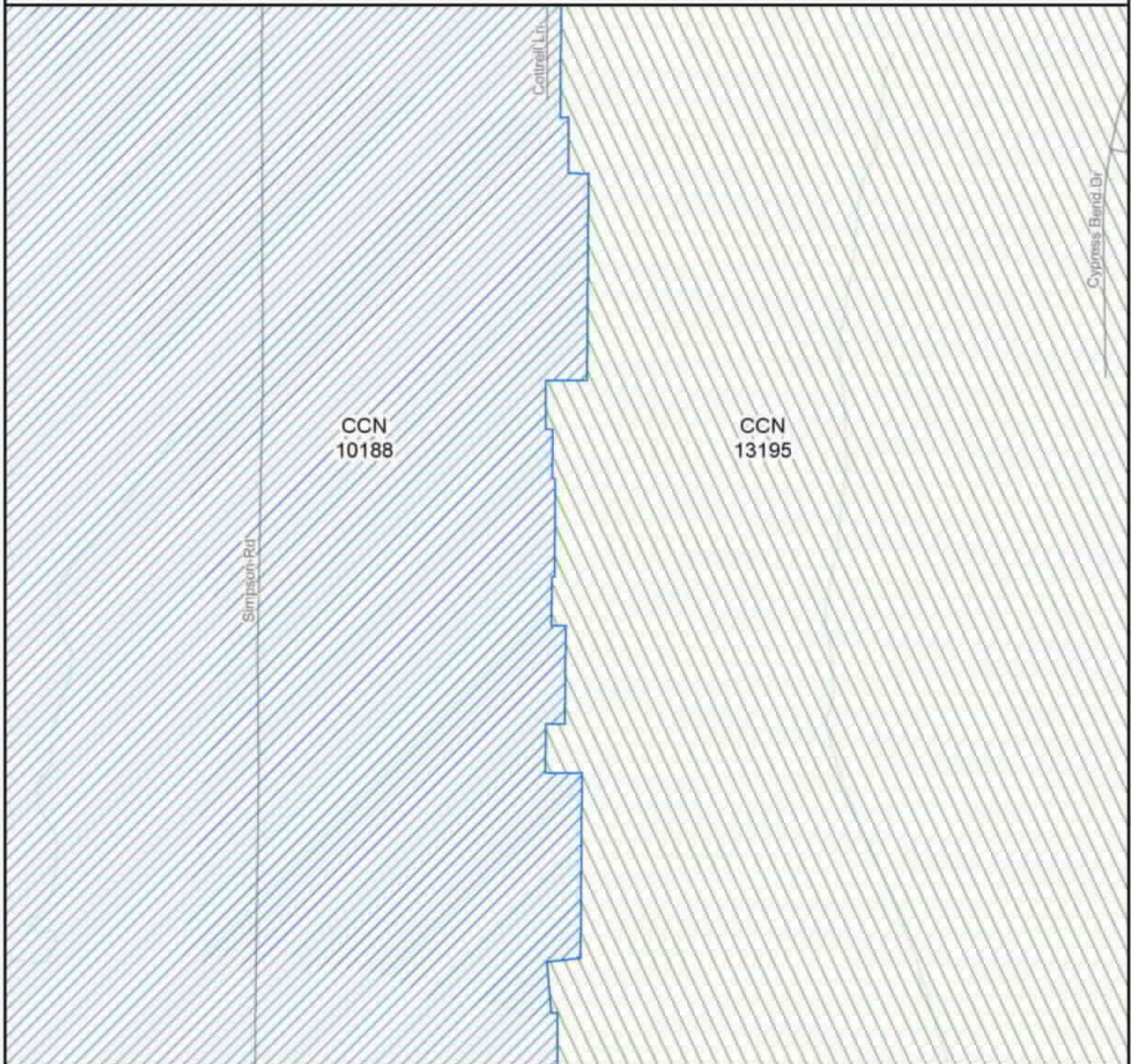
PUBLIC UTILITY COMMISSION OF TEXAS



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

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.



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.