



## **Filing Receipt**

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**Item Number - 25**

**DOCKET NO. 54785**

<b>PETITION OF CASH SPECIAL</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY DISTRICT AND ROYSE CITY</b>	<b>§</b>	
<b>FOR APPROVAL OF A SERVICE</b>	<b>§</b>	
<b>AREA CONTRACT UNDER TEXAS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>WATER CODE § 13.248 AND TO</b>	<b>§</b>	
<b>AMEND CERTIFICATES OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>ROCKWALL COUNTY</b>	<b>§</b>	

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED ORDER**

On March 21, 2023, Cash Special Utility District (Cash SUD) and the City of Royse City (Royse City) (collectively, the Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Rockwall County.

On November 28, 2023, the administrative law judge filed Order No. 7, directing the parties to file a joint motion to admit evidence and proposed order by December 12, 2023. Therefore, this pleading is timely filed.

**I. JOINT MOTION TO ADMIT EVIDENCE**

The parties respectfully request that the following evidence be admitted into the record of this proceeding:

- A. Petition of Cash SUD and Royse City for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to amend Certificates of Convenience and Necessity in Rockwall County, filed on March 21, 2023 (Interchange Item No. 1);
- B. Shapefiles added, filed on March 21, 2023 (Interchange Item No. 2);
- C. Royse City Agenda, Minutes, & Affidavit, and Cash SUD Meeting Minutes & Affidavit, filed on April 13, 2023 (Interchange Item No. 4);
- D. The Petitioners' Supplemental Information, filed on April 13, 2023 (Interchange Item No. 5);
- E. Revised Map Documents, filed on July 20, 2023 (Interchange Item No. 11);
- F. Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule, filed on August 21, 2023 (Interchange Item No. 12);

- G. Commission Staff's Response to Order No. 4, filed on August 29, 2023 (Interchange Item No. 14);
- H. Cash SUD Affidavit, filed on August 30, 2023 (Interchange Item No. 16);
- I. Commission Staff's Supplemental Recommendation on Notice, filed on September 26, 2023 (Interchange Item No. 17);
- J. Cash SUD's Signed Consent Form, filed on October 31, 2023 (Interchange Item No. 19);
- K. Royse City's Signed Consent Form, filed on November 6, 2023 (Interchange Item No. 20);
- L. Commission Staff's Recommendation on Final Disposition, filed on November 21, 2023 (Interchange Item No. 21); and
- H. The final map and certificates attached to the Joint Motion to Admit Evidence and Joint Proposed Order, filed on \_\_\_\_\_, 2023 (Interchange Item No. \_\_).

## **II. JOINT PROPOSED ORDER**

The parties have agreed to the attached Joint Proposed Order, which would approve the Petitioners' petition for a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Rockwall County. The parties request that the Public Utility Commission of Texas (Commission) adopt the findings of fact, conclusions of law, and ordering paragraphs contained in the Proposed Order.

## **III. CONCLUSION**

For the reasons discussed above, the parties respectfully request that the Commission grant the Joint Motion to Admit Evidence and adopt the attached Joint Proposed Order.

Dated: December 13, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ [Signature]

**CASH SPECIAL UTILITY DISTRICT**

/s/

**THE CITY OF ROYSE CITY**

[Signature]  
Jason Day  
City Attorney

**DOCKET NO. 54785**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on December 13, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch

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<b>PETITION OF CASH SPECIAL</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
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<b>ROCKWALL COUNTY</b>	<b>§</b>	

**JOINT PROPOSED ORDER**

The Staff (Staff) of the Public Utility Commission of Texas (Commission), Cash Special Utility District, and the City of Royse City (collectively, the Petitioners) submit this Joint Proposed Order addressing the Petitioners' petition for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity (CCNs) in Rockwall County (the Petition). Staff and the Petitioners request that the Commission approve the Petition and adopt the following Findings of Fact, Conclusions of Law, and Ordering Paragraphs:

**I. Findings of Fact**

The Parties propose the following findings of fact.

**Petitioners**

1. Cash Special Utility District (Cash SUD) is Texas water district and special utility district operating under Chapters 49 and 65 of the Texas Water Code (TWC).
2. Cash SUD owns, operates, maintains, and controls facilities and provides retail water service to its certificated service area in Rockwall County under water CCN number 10824.
3. The City of Royse City (Royse City) is a home rule municipality and retail public utility.
4. Royse City owns, operates, maintains, and controls facilities providing retail water service in Rockwall County to its certificated service area under CCN number 12827.

**Petition**

5. Cash SUD and Royse City executed an Agreement Designating Retail Water Service Territory, whereby the Petitioners agreed to transfer approximately 130.7 acres of Cash SUD's certificated service area to Royse City's certificated service area.
6. On March 21, 2023, Cash SUD and Royse City filed the Petition seeking approval of the Agreement Designating Retail Water Service Territory, and amendments to CCN numbers 10824 and 12827, respectively.
7. The Petition included a copy of the Agreement Designating Retail Water Service Territory executed by the Cash SUD and Royse City.
8. On April 13, 2023, the Petitioners filed supplemental information.
9. On July 20, 2023, the Petitioners filed a supplement to the Petition with revised maps.
10. Upon approval of the Petition and Agreement Designating Retail Water Service Territory, approximately 130.7 acres will be transferred from Cash SUD's certificated service area under CCN number 10824, to Royse City's certificated service area under CCN number 12827.
11. There will be no transfer of customers, tangible assets, or facilities as a result of the Agreement Designating Retail Water Service Territory or Petition.
12. In Order No. 6, filed on September 27, 2023, the ALJ found the Petition, as supplemented, administratively complete.

**Notice**

13. On September 27, 2021, the Cash SUD Board of Directors considered and approved the Agreement Designating Retail Water Service Territory at a properly noticed public meeting.
14. The Petition, as supplemented, included copies of the agenda and minutes from the September 27, 2021, Cash SUD Board of Directors meeting as well as a supporting affidavit from Clay Hodges, General Manager of Cash SUD.

15. On April 12, 2022, the City Council of Royse City considered and approved the Agreement Designating Retail Water Service Territory at a properly noticed public meeting.
16. The Petition, as supplemented, included copies of the agenda and minutes from the April 12, 2022 Royse City City Council meeting as well as a supporting affidavit from Deborah Sorensen, City Secretary of Royse City.
17. Individual notice is not required because there are no affected customers in the service area being transferred from Cash SUD to Royse City.
18. In Order No. 6, filed on September 27, 2023, the ALJ found notice sufficient under TWC Section 13.248 and 16 Texas Administrative Code ("TAC") § 24.253.

**Certificates and Map**

19. On October 31, 2023, Commission Staff (Staff) emailed its proposed map and certificates to Cash SUD and Royse City.
20. On October 31, 2023, Cash SUD filed its consent to Staff's proposed map and certificates.
21. On November 6, 2023, Royse City filed its consent to Staff's proposed map and certificates.

**Evidentiary Record**

22. On \_\_\_\_\_, the Parties filed a Joint Motion to Admit Evidence and Joint Proposed Order.
23. In Order No. \_\_\_\_\_ filed on \_\_\_\_\_, 202\_, the ALJ admitted the following evidence into the record of this proceeding:
  - A. Petition of Cash SUD and Royse City for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to amend Certificates of Convenience and Necessity in Rockwall County, filed on March 21, 2023;
  - B. Shapefiles added, filed on March 21, 2023;
  - C. Royse City Agenda, Minutes, & Affidavit, and Cash SUD Meeting Minutes & Affidavit, filed on April 13, 2023;

- D. The Petitioners' Supplemental Information, filed on April 13, 2023;
- E. Revised Map Documents, filed on July 20, 2023;
- F. Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule, filed on August 21, 2023;
- G. Commission Staff's Response to Order No. 4, filed on August 29, 2023;
- H. Cash SUD Affidavit, filed on August 30, 2023;
- I. Commission Staff's Supplemental Recommendation on Notice, filed on September 26, 2023;
- J. Cash SUD's Signed Consent Form, filed on October 31, 2023;
- K. Royse City's Signed Consent Form, filed on November 6, 2023;
- L. Commission Staff's Recommendation on Final Disposition, filed on November 21, 2023; and
- H. The final map and certificates attached to the Joint Motion to Admit Evidence and Joint Proposed Order, filed on \_\_\_\_\_.

**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. Cash SUD, Royse City, and Staff are the only parties to this proceeding.
- 27. No party requested a hearing, and no hearing is necessary.
- 28. Staff recommended approval of the Agreement Designating Retail Water Service Territory and the Petition.
- 29. 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. Cash SUD and Royse City are retail public utilities as defined by 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 by the 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 processed in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
6. Individual notice of the Petition was not required under 16 TAC § 24.253(c)(1).
7. The Petition was processed in accordance with the TWC, the Administrative Procedure Act, and Commission rules.
8. Under TWC § 13.257(r) and (s), Cash SUD and Royse City must each record a certified copy of its approved map and certificate, along with any boundary descriptions of its respective service area, in the real property records of Rockwall County within 31 days of this Notice of Approval and must submit evidence of the recording to the Commission.
9. 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 Agreement Designating Retail Water Service Territory, to the extent provided in this Order.
2. The Commission amends Cash SUD's water CCN number 10824, as described in this Order and as shown in the map attached to this Order.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001-.903.

3. The Commission amends Royse City's water CCN number 12827, as described in this Order and as shown in the map attached to this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificates attached to this Order.
6. Cash SUD must provide service to every customer and qualified applicant for water service within the approved service area certificated under CCN number 10824, and such service must be continuous and adequate.
7. Royse City must provide service to every customer and qualified applicant for water service within the approved service area certificated under CCN number 12827, and such service must be continuous and adequate.
8. Cash SUD and Royse City must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Rockwall County affected by the Petition and file in this docket proof of the recording no later than 31 days after the date of this Notice of Approval.
9. The Commission denies all other motions and other requests for general or specific relief not expressly granted herein.

**Signed at Austin, Texas the \_\_\_ day of \_\_\_\_\_.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**