

Control Number: 46867



Item Number: 8

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PETITION OF CELINA PARTNERS, §
LTD. TO AMEND MARILEE §
SPECIAL UTILITY DISTRICT'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN COLLIN §
COUNTY BY EXPEDITED RELEASE §
§

PUBLIC UTILITY COMMISSION

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files Staff's Recommendation on Administrative Completeness in response to Order No. 1. In support thereof, Staff would show the following:

I. Background

On February 17, 2017, Celina Partners, Ltd. (Celina) filed a petition (Petition) with the Public Utility Commission of Texas (Commission) for expedited release of 297.09 acres from Marilee Special Utility District's (Marilee) water certificate of convenience and necessity (CCN) No. 10150 in Collin County, Texas, pursuant to Tex. Water Code § 13.254(a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC). The Commission published notice of Celina's Petition in the *Texas Register* on March 3, 2017.

In the Petition, Celina seeks to release a 297.09-acre tract (Property) from Water CCN No. 10150.¹ Celina asserts that the Property is not receiving water service from Marilee.²

In Order No. 1, issued February 21, 2017, the Administrative Law Judge (ALJ) ordered Staff to file comments on the administrative completeness of the Petition and notice by March 20, 2017. Therefore, this pleading is timely filed.

II. Jurisdiction and Legal Authority

As an alternative to decertification, the Texas Water Code and the Texas Administrative Code permit a landowner to petition the Commission for an expedited release of land from a

¹ Petition at 4 (Feb. 17, 2017).

² *Id.*

CCN. The Texas Water Code and the Texas Administrative Code have separate provisions for landowners seeking an expedited release.³ The relevant portion of the Texas Water Code states:

[T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500.⁴

The Texas Administrative Code similarly states:

[T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN and is entitled to that release if the landowner's property is located in Atascosa, Bandera, Bastrop, Bexar, Blanco, Brazoria, Burnet, Caldwell, Chambers, Collin, Comal, Dallas, Denton, Ellis, Fort Bend, Galveston, Guadalupe, Harris, Hays, Johnson, Kaufman, Kendall, Liberty, Montgomery, Parker, Rockwall, Smith, Tarrant, Travis, Waller, Williamson, Wilson, or Wise County.⁵

Pursuant to TWC § 13.254(a-6) and 16 TAC § 24.113(s), the Commission must render a decision on a petition for expedited release “not later than the 60th calendar day after the date the landowner files the petition.” An application is not considered filed until it is deemed administratively complete. Celina’s Petition has not been deemed administratively complete; therefore the 60 day count will begin with the issuance of an order on administrative completeness.

III. Recommendation on Administrative Completeness

Staff has reviewed Celina’s Petition and, as supported by the attached memorandum of Gregory Charles and Kristy Nguyen of the Water Utility Regulation Division, Staff recommends that the Petition be found administratively complete. The maps and digital data provided by Celina provide adequate information for Staff to continue its review of the Petition to make a recommendation on whether it satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(r). Specifically, the maps and digital data provided by Celina enable Staff to determine

³ See generally TWC § 13.254(a-1), (a-5); 16 TAC § 24.113(b), (r).

⁴ TWC § 13.254(a-5)

⁵ 16 TAC § 24.113(r).

whether the tract of land is located within the subject Property, is at least 25 acres, and is owned by one property owner. Therefore, Staff recommends that Celina's Petition be deemed administratively complete.

IV. Conclusion

For the reasons stated above, Staff respectfully recommends that an order be issued finding Celina's Petition administratively complete.

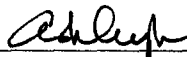
DATED: March 20, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

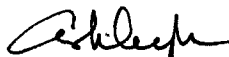


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DOCKET NO. 46867

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 20th of March, 2017, in accordance with 16 TAC § 22.74.



Ashley Nwonuma

PUC Interoffice Memorandum

To: Ashley Nwonuma, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Tammy Benter, Director
Water Utilities Division

From: Greg Charles, Engineering Specialist
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: March 20, 2017

Subject: **Docket No. 46867:** *Petition of Celina Partners, Ltd, to Amend Marilee Special Utility District's Water Certificate of Convenience and Necessity by Expedited Release in Collin County*

On February 17, 2017, Celina Partners, Ltd (Petitioner) filed a petition with the Commission for expedited release from Marilee Special Utility District's (SUD) water Certificate of Convenience and Necessity (CCN) No. 10150 in Collin County, under Texas Water Code (TWC) Chapter (§) 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(r). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Collin County which is a qualifying county.

The Petitioner submitted an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release area within the SUD's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested area is located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioner's ownership of the tract of land within the subject property. The area being requested for expedited release is approximately 297.1 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to the SUD, the current holder of CCN No. 10150.

The petition meets the criteria set forth in TWC §13.254 (a-5) and TAC §24.113(r). Therefore, Staff recommends that the petition be deemed sufficient for filing.