



Control Number: 47114



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PETITION OF II C.B., LP TO AMEND §
TALTY WATER SUPPLY §
CORPORATION'S WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN KAUFMAN §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION
OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the petition of II C.B., LP for expedited release from Talty Water Supply Corporation's water certificate of convenience and necessity (CCN) number 10850 in Kaufman County. Commission Staff recommended approval of the petition. The petition is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History, Description and Background

1. On May 1, 2017, II C.B. filed a petition for expedited release of a 14.4-acre tract of land in Kaufman County from Talty WSC's water CCN No. 10850.
2. On June 19, 2017, Commission Staff recommended that the petition and notice be deemed administratively complete.
3. On June 21, 2017, Order No. 3 was issued, finding the petition and notice administratively complete.
4. On July 7, 2017, Commission Staff recommended approval of the petition and provided an amended service area map for Talty WSC.
5. On July 14, 2017, Commission Staff filed an amended recommendation that the petition be approved and provided an amended certificate and service area map for Talty WSC.
6. The certificate and map discussed in Finding of Fact No. 5 are attached to this Notice.
7. No motions to intervene or requests for hearing were filed in this proceeding.

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Notice

8. II C.B. provided a copy of the petition to Talty WSC by certified mail on May 1, 2017.
9. Notice of the petition was published in the *Texas Register* on May 19, 2017.

Project Description

10. II C.B. owns the 14.4-acre tract.
11. The 14.4-acre tract is part of area of land owned by II C.B. that is larger than 25 acres.
12. The 14.4-acre tract is located within Talty WSC's certificated service area and is not receiving water service.
13. II C.B. provided an affidavit by Barney Van Huss, the Property Directory for Ellis Management Company, which handles all of the management and development functions for II C.B., attesting that at his request Talty WSC voted unanimously to release the 14.4 acre tract from its water CCN.

Water Service

14. The 14.4-acre tract is not receiving water service from Talty WSC as that term has been defined by the Courts.
15. The 14.4-acre tract is not receiving actual water service from Talty WSC.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under TWC §§ 13.041 and 13.254(a-5).¹
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code § 24.113(s) (TAC) and 16 TAC §§ 22.54-.55.
3. Kaufman County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(r).
4. The 14.4-acre tract is not receiving water service from Talty WSC under TWC § 13.254(a-5).

¹ Tex. Water Code §§ 13.041 and 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

5. The 14.4-acre tract to be decertified under TWC § 13.254(a-5) is part of an area of land owned by II C.B. that is at least 25 acres.
6. Talty WSC did not intervene in this proceeding, therefore under 16 TAC § 24.113(n)(3), Talty WSC had no property rendered useless or valueless property as a result of the requested decertification.
7. No property of Talty WSC has been rendered useless or valueless by the decertification, therefore under TWC § 13.254(d)-(g) no compensation is owed to Talty WSC.
8. Because no compensation is owed, under TWC § 13.254(d)-(g), a retail public utility may render retail water or water service directly or indirectly to the public in the decertified area without providing compensation to Talty WSC.
9. II C.B. is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC §§ 24.113(r) and (s) by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
10. Under TWC § 13.257(r) and 16 TAC § 24.106(f), Talty WSC is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
11. 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 conclusion of law, the Commission issues the following order:

1. The petition is approved.
2. II C.B.'s 14.4-acre tract is removed from Talty WSC's water CCN No. 10850.
3. Talty WSC's water CCN No. 10850 is amended in accordance with this Notice.

- 4. The Commission's official service area boundary maps for Talty WSC shall reflect this change.
- 5. Talty WSC shall comply with the recording requirements of TWC § 13.257(r) for the area in Kaufman County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
- 6. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the 14th day of July 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That
Talty 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, Talty Water Supply Corporation is entitled to this

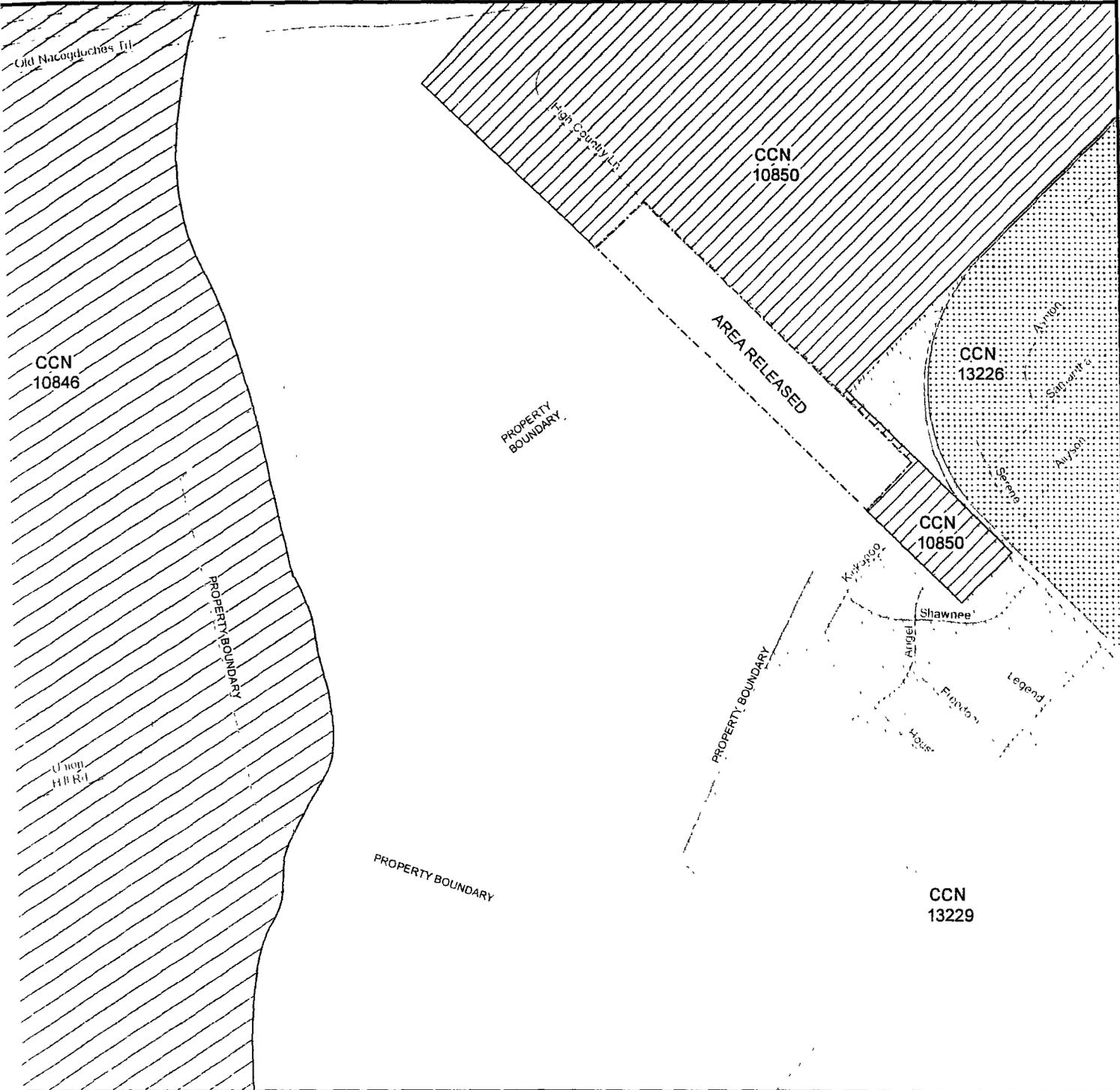
Certificate of Convenience and Necessity No. 10850

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47114 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 Talty 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.

Issued at Austin, Texas, this 14th day of July 2017.

Talty Water Supply Corporation
 Portion of Water CCN No. 10850
 PUC Docket No. 47114

Petition by II C.B., LP to Amend Talty Water Supply Corporation's CCN by Expedited Release in Kaufman County



Water CCN

-  10850 - Talty WSC
-  13229 - Kaufman County MUD 14
-  10846 - Markout WSC
-  13226 - Kaufman County MUD 11

-  Area Released
-  Property Boundary

