



Control Number: 47114



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 47114

**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**

RECEIVED
2017 JUL -7 AM 11:11
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation on Administrative Completeness and would show the following:

I. BACKGROUND

On May 1, 2017, II C.B., LP (II C.B.) filed a petition for expedited release from Talty Water Supply Corporation's (Talty) water certificate of convenience and necessity (CCN) No. 10850 in Kaufman County, pursuant to Tex. Water Code § 13.254(a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC). II C.B. seeks to decertify 14.4 acres. II C.B. further asserted that the property is not currently receiving water service from Talty.

On June 21, 2017, the administrative law judge (ALJ) issued Order No. 2 which required Staff to file its final recommendation by July 7, 2017. This pleading is therefore timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed II C.B.'s application and, as supported by the attached memorandum of Patricia Garcia of the Water Utilities Division, Staff recommends that the application be approved. The maps and digital data that II C.B. filed provide adequate information to demonstrate that II C.B. satisfies the requirements of TWC 13.254(a-5) and 16 TAC § 24.113(l). Staff was able to confirm the size and location of the subject tract, and determined that it is located in a qualifying county. II C.B. asserted that the tract of land was not receiving service.

Staff recommends that there is no useless or valueless property in accordance with 16 TAC § 24.113(n)(3). Staff further recommends that no compensation proceeding is necessary if

the Commission determines that no property has been rendered useless or valueless, pursuant to 16 TAC 24.113(n)(7).

The proposed final map and proposed CCN certificate have been attached to this pleading.

III. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendation.

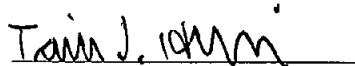
Dated: July 7, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

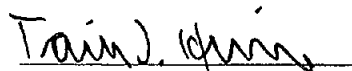


TJ Harris
Attorney – Legal Division
State Bar No. 24097804
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
TJ.Harris@puc.texas.gov

DOCKET NO. 47114

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 7, 2017 in accordance with 16 TAC § 22.74.


TJ Harris

PUC Interoffice Memorandum

To: TJ Harris, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Patricia Garcia, Engineering Specialist
Water Utilities Division

Date: July 7, 2017

Subject: **Docket No. 47114:** *Petition of II C.B., LP to Amend Talty Water Supply Corporation's Water Certificate of Convenience and Necessity by Expedited Release in Kaufman County*

On May 1, 2017, II C.B., LP (Petitioner) filed a petition with the Commission for an expedited release from Talty Water Supply Corporation's (Talty WSC) water Certificate of Convenience and Necessity (CCN) No. 10850 in Kaufman County, pursuant to Texas Water Code § 13.254(a-5) (TWC) and 16 Texas Administrative Code § 24.113(r) (TAC). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Kaufman 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 Talty WSC'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 14.2 acres, which is adjacent to additional area within the subject property that is larger than 25 acres and is also owned by the Petitioner.

The petition also included a statement that pursuant to Commission rules, a copy of the petition was sent via certified mail to the Talty WSC, the current holder of CCN No. 10850.

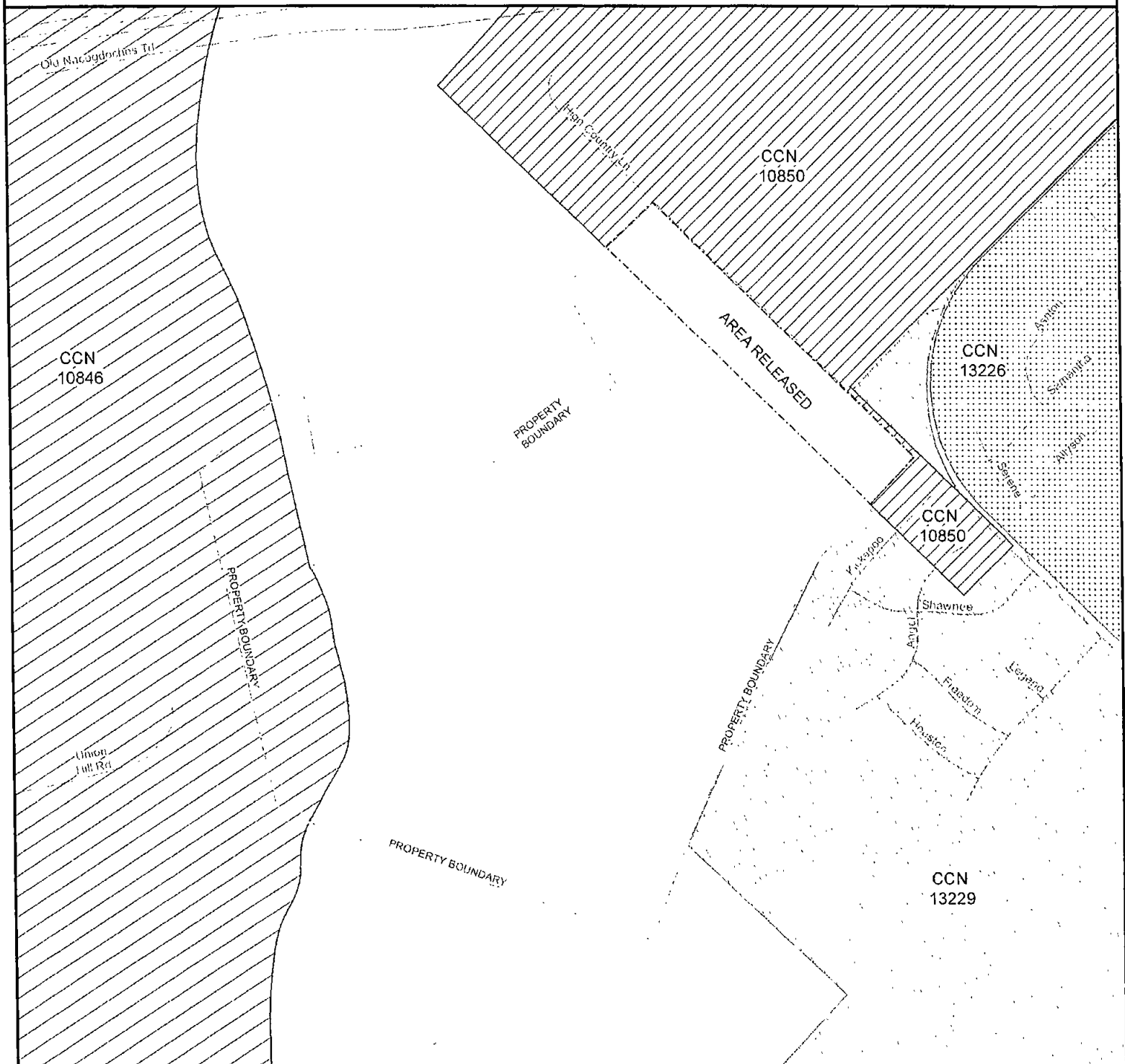
Staff recommends that there is no useless or valueless property, in accordance with 24.113(n)(3). Order No. 1 gave a deadline for Talty WSC to intervene of June 1, 2017. Talty WSC did not request to intervene. Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 24.113(n)(7).

On June 21, 2017, Order No. 3 deemed the petition administratively complete, starting the 60 day period which, therefore ends August 20, 2017. The procedural schedule required Staff's final disposition to be filed on July 7, 2017, and set July 14, 2017, as the deadline for the Petitioner's response. In accordance with the TWC, Chapter 13, and 16 TAC, the Petitioner has met the Commission's requirements to allow for the release of the requested area from the Talty WSC's CCN No. 10850. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

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



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

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

-  Area Released
-  Property Boundary

0 360 720
Feet



Map by: Komal Patel
Date created: July 6, 2017
Project Path: n:\finalmapping\47114TaltyWSC.mxd