



Control Number: 47636



Item Number: 12

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DOCKET NO. 47636

**PETITION OF MIKE HOPKINS,
EXECUTOR OF THE ESTATE OF
HERMAN H. HOPKINS TO AMEND THE
CITY OF DENTON'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
DENTON COUNTY BY EXPEDITED
RELEASE**

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FILED
2017 DEC 15 11:09:09
PUBLIC UTILITY COMMISSION
OF TEXAS

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 and would show the following:

I. BACKGROUND

On September 22, 2017, Mike Hopkins, as executor of the estate of Herman H. Hopkins, (Mr. Hopkins) filed a petition with the Commission for streamlined expedited release from the City of Denton's (City) water Certificate of Convenience and Necessity (CCN) No. 10195 in Denton County. Specifically, Mr. Hopkins seeks expedited release of 60.093 acres from the City's CCN under Texas Water Code § 13.254(a-5) (TWC) and 16 Texas Administrative Code § 24.113(1) (TAC). Mr. Hopkins filed supplemental information on November 14, 2017.

On December 1, 2017, the Administrative Law Judge issued Order No. 3 deeming the petition administratively complete and requiring Staff to file a recommendation on final disposition by December 15, 2017. Therefore, this pleading is timely filed.

II. JURISDICTION

The TWC and Commission rules create a streamlined procedure for the expedited release of a piece of property from a CCN if the property meets certain criteria. Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(l)(5), the Commission must grant a petition for streamlined expedited release "no later than the 60th calendar day after a presiding officer by order determines that the petition is administratively complete." A petition is not considered filed until it is deemed

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administratively complete.¹ Mr. Hopkins' petition was deemed administratively complete on December 1, 2017. Therefore, the deadline for approval is January 30, 2018.

III. FINAL RECOMMENDATION

Staff has reviewed Mr. Hopkins' petition as supplemented, and as supported by the attached memorandum of Greg Charles of the Commission's Water Utility Regulation Division (Attachment A), Staff recommends that the petition be approved. The maps, digital data, and affidavit submitted by Mr. Hopkins satisfy the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l). Specifically, the petition as amended shows that the property for which Mr. Hopkins seeks streamlined expedited release is located in a qualifying county, is not receiving water service, is wholly owned by Mr. Hopkins, and is at least 25 acres. In addition, Staff recommends a determination in accordance with 16 TAC § 24.113(n)(4) that no property has been rendered useless or valueless because the City has not intervened. The final map (Attachment B) and CCN (Attachment C) are included with this filing.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that Mr. Hopkins' petition, as supplemented, be approved.

¹ *Petition of City of Midlothian to Amend Mountain Peak Special Utility District's Certificate of Convenience and Necessity by Expedited Release in Ellis County*, Docket No. 44394, Conclusion of Law No. 13 (May 1, 2015).

Dated: December 15, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

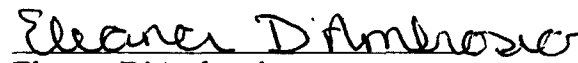
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Managing Attorney



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**DOCKET NO. 47636
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 15, 2017, in accordance with 16 TAC § 22.74.



Eleanor D'Ambrosio

Attachment A

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Engineering Specialist
Water Utility Regulation Division

Date: December 11, 2017

Subject: **Docket No. 47636:** *Petition of Mike Hopkins, Executor of the Estate of Herman H. Hopkins to Amend the City of Denton's Water Certificate of Convenience and Necessity in Denton County by Expedited Release*

On September 22, 2017, Mike Hopkins (Petitioner) filed a petition with the Commission for streamlined expedited release from the City of Denton's (City) water Certificate of Convenience and Necessity (CCN) No. 10195 in Denton County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On November 14, 2017, the Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.113(l)(3)(A), as well as proof that a copy of the petition was sent via certified mail to the City, the current holder of CCN No. 10195.

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 were sufficient for determining the location of the requested release area within the City's certificated area. Mapping Staff was able to confirm the acreage of the subject property, and determined that the requested area was 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 34.5 acres from the City, which is adjacent to additional area within the subject property that is larger than 25 acres and is also owned by the Petitioner.

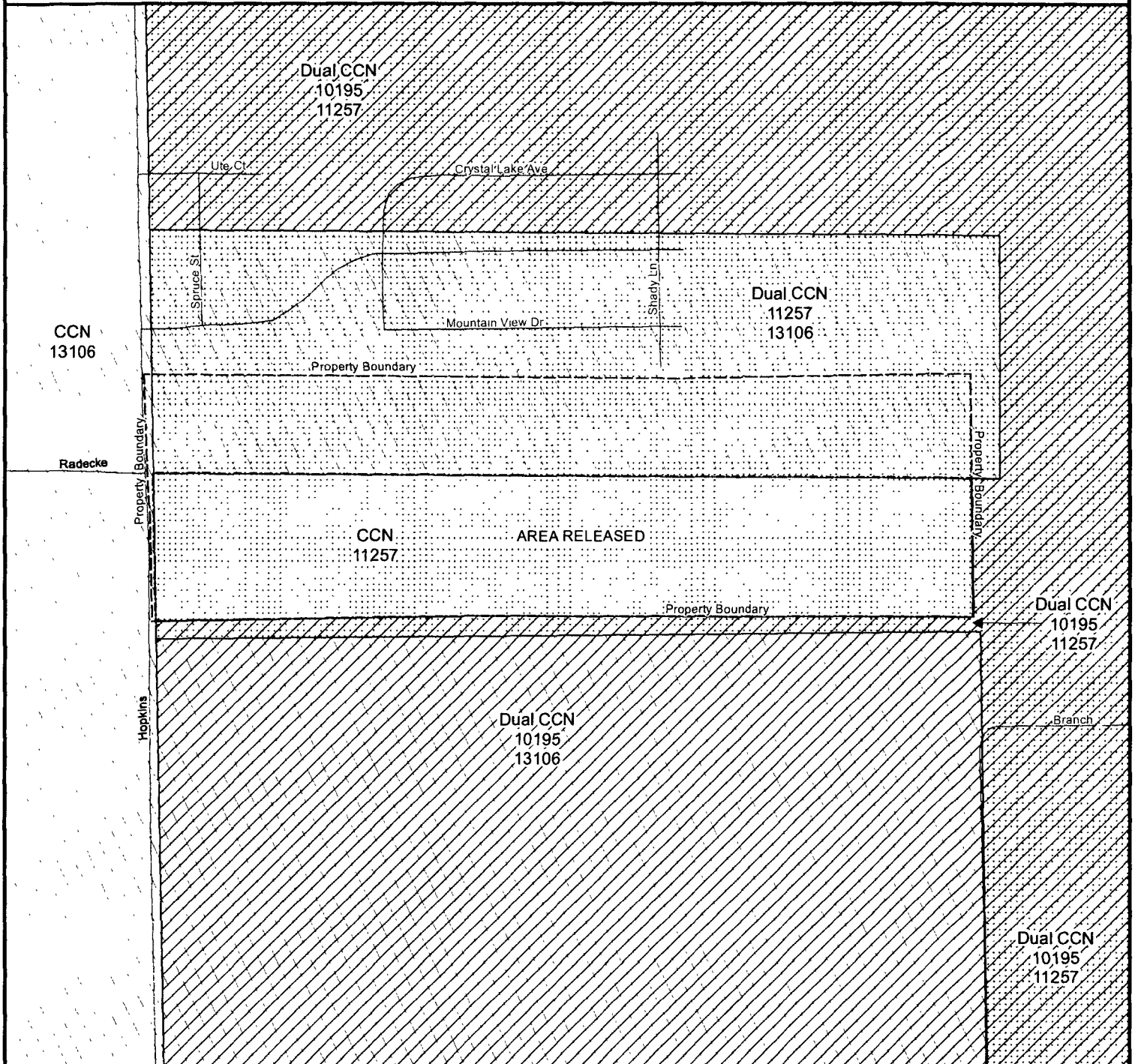
The petition also included a statement that pursuant to Commission rules, a copy of the petition was sent via certified mail to the City, the current holder of CCN No. 10195.

Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 24.113(n)(3). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 16 TAC § 24.113(n)(7). The City did not request to intervene.

On December 1, 2017, Order No. 2 deemed the petition administratively complete, starting the 60 day period which, therefore ends January 30, 2018. The procedural schedule required Staff's final disposition to be filed on December 15, 2017, and set December 22, 2017, as the deadline for the Petitioner's response. In accordance with TWC Chapter 13 and 16 TAC § 24.113, the Petitioner has met the Commission's requirements to allow for the release of the requested area from the City CCN No. 10195. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.




Attachment B

City of Denton
Portion of Water CCN No. 10195
PUC Docket No. 47636
Petition by Mike Hopkins to Amend
City of Denton's CCN by Expedited Release in Denton County



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

Water CCN

-  10195 - City of Denton
-  11257 - Bolivar WSC
-  13106 - City of Krum

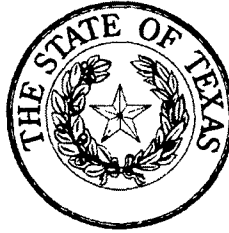
-  AREA RELEASED
-  Property Boundary

0 250 500
Feet



Map by: Komal Patel
Date created: December 7, 2017
Project Path: n:\finalmapping\47636CityofDenton.mxd

Attachment C



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Denton

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 by the City of Denton, is entitled to this

Certificate of Convenience and Necessity No. 10195

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47636 are on file at the Commission offices in Austin, Texas; and is a matter 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 Denton 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, the _____ day of _____ 2017.