



Control Number: 47636



Item Number: 13

Addendum StartPage: 0

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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PUBLIC UTILITY COMMISSION
 OF TEXAS

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 PUBLIC UTILITY COMMISSION
 FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the petition of Mike Hopkins, executor of the estate of Herman H. Hopkins (Mr. Hopkins) for expedited release from the City of Denton's water certificate of convenience and necessity (CCN) No. 10195, under Texas Water Code (TWC) § 13.254(a-5)¹ and 16 Texas Administrative Code (TAC) § 24.113(l). Commission Staff recommended approval of Mr. Hopkins's petition. Consistent with Commission Staff's recommendation, 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 September 22, 2017, Mr. Hopkins filed a petition to amend City of Denton's water CCN No. 10195 in Denton County by expedited release.
2. On September 25, 2017, Order No. 1 was issued setting a deadline for comments on the administrative completeness of the petition and notice.
3. On November 14, 2017, an affidavit of Mike Hopkins was filed to support the petition.
4. On November 27, 2017, Commission Staff recommended that the petition and notice be deemed administratively complete.
5. On December 1, 2017, Order No. 3 was issued finding the petition administratively complete and sufficient.

¹ Tex. Water Code Ann. §§ 13.041 and 13.254(a-5) (West 2008 and Supp. 2017).

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6. On December 15, 2017, Commission Staff recommended (1) approval of the petition (2) that no property would be rendered useless or valueless by the decertification, and (3) that no compensation proceeding is necessary. Commission Staff provided a certificate and service area map.
7. The final map and CCN certificate discussed in Finding of Fact No. 6 are attached to this Notice.
8. No protests, motions to intervene, or request for hearing were filed.

Notice

9. Mr. Hopkins filed a signed written statement that on September 22, 2017 a copy of the petition was provided to Denton.
10. Notice of the petition was published in the *Texas Register* on October 6, 2017.

Project Description

11. The approximately 60.093-acre tract of land Mr. Hopkins seeks to have released from Denton's water CCN No. 10195 is owned by Mr. Hopkins and is situated in Denton County, a qualifying county under TWC § 13.254(a-5) and TAC § 24.113(r).
12. The area Mr. Hopkins seeks to have decertified from water CCN No. 10195 is at least 25 acres and is not receiving water service.
13. Commission Staff recommended approval of the release of Mr. Hopkins's tract located within Denton's water CCN No. 10195.

Water Service

14. The 60.093-acre tract is not receiving water service from Denton, as that term has been defined by the Courts.
15. The 60.093-acre tract is not receiving actual water service from Denton, or any other water service provider.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under TWC §§ 13.041 and 13.254(a-5).

2. Notice of the petition was provided in compliance with 16 TAC § 24.113(l)(3)(A)(vi) and 16 TAC §§ 22.54 and 22.55.
3. Denton County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(l)(2)(D).
4. The 60.093-acre tract of land to be decertified under TWC § 13.254(a-5) is owned by Mr. Hopkins, is located in a qualifying county, is at least 25 acres in size, and is not receiving water service from Denton.
5. Denton did not intervene in this proceeding, therefore under 16 TAC § 24.113(n)(3), Denton had no property rendered useless or valueless as a result of the requested decertification.
6. No property of Denton was rendered useless or valueless by the decertification, therefore, under TWC § 13.254(d)-(g), no compensation is owed to Denton.
7. Because no compensation is owed, under TWC § 13.254(d)-(g), a retail public utility may render retail water service directly or indirectly to the public in the decertified area without providing compensation to Denton.
8. Mr. Hopkins is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l) by adequately demonstrating ownership of a tract of land that is at least 25 acres, located in a qualifying county, and is not receiving water service.
9. Under TWC § 13.257(r), Denton 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.
10. The notice requirements in 16 TAC §22.35 have been met in this proceeding.

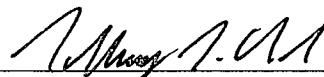
III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

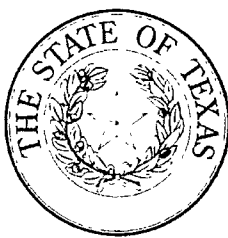
1. The petition is approved.
2. The 60.093-acre tract of land is removed from Denton's water CCN No. 10195.
3. Denton's water CCN No. 10195 is amended in accordance with this Notice.
4. The Commission's official service-area boundary maps for Denton shall reflect this change, as shown in the attached map.
5. A copy of Denton's amended water CCN No. 10195 is attached to this Notice.
6. Denton shall comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Denton County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 24th day of January 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Denton

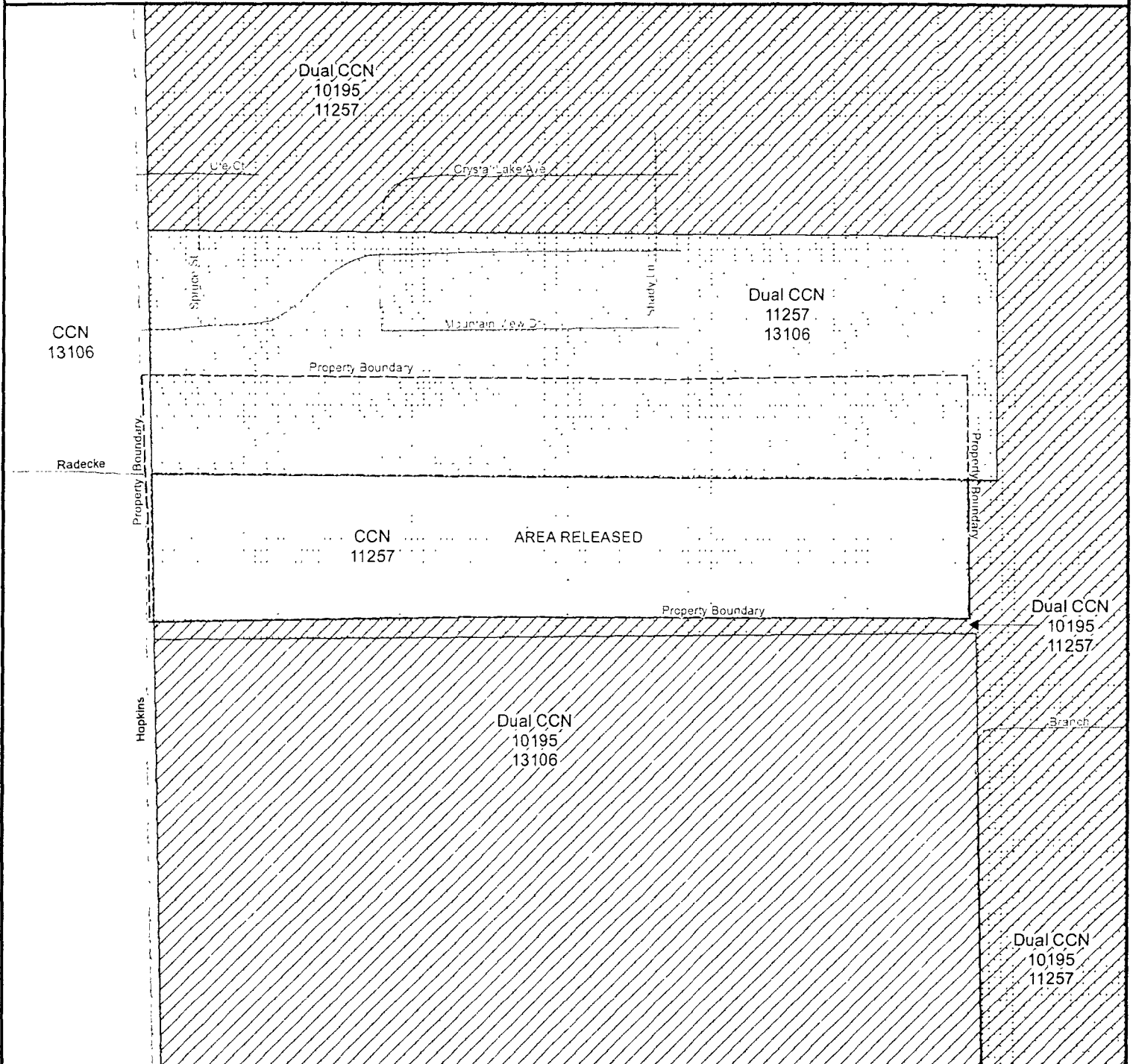
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, the City of Denton is entitled to this

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 are 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 24th day of JANUARY 2018.



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

