



Control Number: 47704



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PETITION OF WYNNE/JACKSON, INC. TO AMEND MARKOUT WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN KAUFMAN COUNTY BY EXPEDITED RELEASE	§ § § § § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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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 in response to Order No. 3. In support thereof, Staff would show the following:

I. BACKGROUND

On October 16, 2017, Wynne/Jackson, Inc. (Wynne/Jackson) filed with the Public Utility Commission of Texas (Commission) a petition for expedited release from Markout Water Supply Corporation's (Markout) water certificate of convenience and necessity (CCN) number 10846 in Kaufman County pursuant to Tex. Water Code § 13.254 (a-5) (TWC) and 16 Tex. Admin. Code § 24.113(l) (TAC). On November 17, 2017, the Administrative Law Judge (ALJ) issued Order No. 3, requiring Staff to file a recommendation on final disposition by December 4, 2017. Therefore, this pleading is timely filed.

II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-6) and 16 TAC § 24.113(l), the Commission must render a decision on a petition for expedited release "not later than the 60th day after the date the landowner files the petition." A petition is not considered filed until it is deemed administratively complete. Wynne/Jackson's petition was deemed administratively complete in Order No. 3, issued on November 17, 2017; therefore, the 60 day deadline for administrative approval is January 16, 2018.

III. FINAL RECOMMENDATION

Staff has reviewed Wynne/Jackson's petition and, as supported by the attached memorandum of Sean Scaff of the Water Utilities Division (Attachment A), Staff recommends

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that the petition be approved. The maps and digital data submitted by Wynne/Jackson provide adequate information to demonstrate that Wynne/Jackson satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l). Specifically, the petition shows that the property for which Wynne/Jackson seeks expedited release is located in a qualifying county (Kaufman County), is not receiving water service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. Wynne/Jackson has shown through its petition that it meets the requirements for expedited release. Therefore, Staff recommends that the petition be approved.

The final map (Attachment B) and CCN Certificate (Attachment C) are attached to this filing.

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that Wynne/Jackson's petition be approved.

Dated: December 4, 2017

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



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DOCKET NO. 47704

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the December 4, 2017 in accordance with 16 TAC § 22.74.


Rachelle Nicolette Robles

Attachment A

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

From: Sean Scaff, Engineering Specialist
Water Utility Regulation Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

Date: November 30, 2017

Subject: **Docket No. 47704:** *Petition of Wynne/Jackson, Inc. to Amend Markout Water Supply Corporation's Certificate of Convenience and Necessity by Expedited Release in Kaufman County*

On October 16, 2017, Wynne/Jackson, Inc., (Petitioner) filed a petition for an expedited release from Markout Water Supply Corporation's (WSC) Certificate of Convenience and Necessity (CCN) No. 10846, in Kaufman County. This petition is being reviewed under Tex. Water Code § 13.254 (a-5) (TWC), and 16 Tex. Admin. Code §24.113(l) (TAC).

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 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. 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 336.7 acres. The petitioner also stated they are not being provided with water or sewer service.

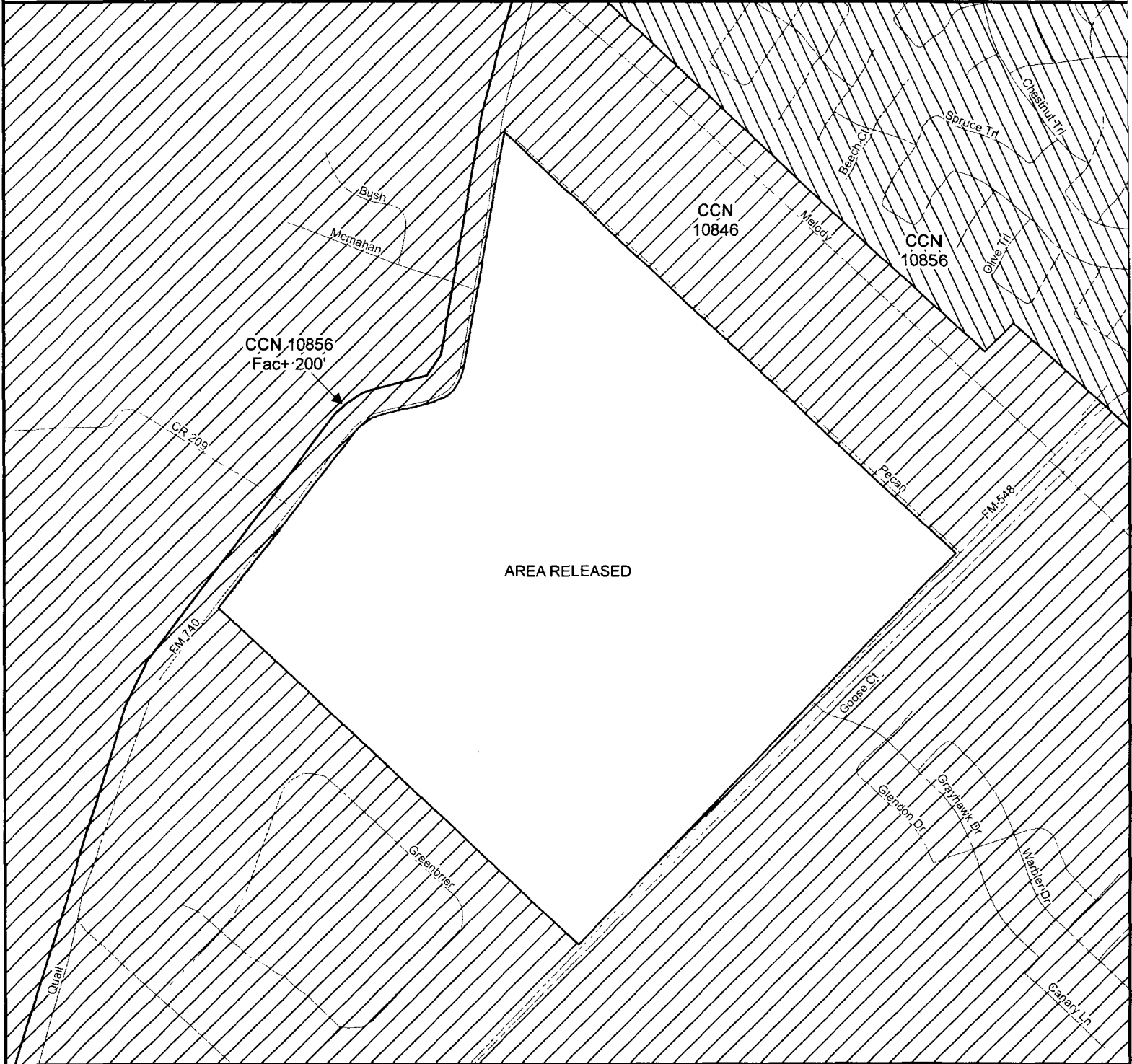
The Petitioner also provided a statement attesting that a copy of the petition was sent to the WSC the same day the petition was sent to the Public Utility Commission (PUC) pursuant to 16 TAC §24.113(l).

Order No. 1 gave a deadline for Markout WSC to intervene by November 15, 2017. Markout WSC requested to intervene on November 10, 2017. A Staff review found that there is no property that would be rendered useless or valueless, in accordance with 16 TAC § 24.113(n). 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 Petitioner has met PUC's requirements to allow for the release of the requested area from Markout WSC's water Certificate of Convenience and Necessity No. 10846. Staff recommends that the petition be approved.


Attachment B


Markout Water Supply Corporation
Portion of Water CCN No. 10846
PUC Docket No. 47704
Petition by Wynne / Jackson, Inc. to Amend
Markout WSC's CCN by Expedited Release in Kaufman County



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

Water CCN

 10846 - Markout WSC

 10856 - City of Forney

 **AREA RELEASED**

Water Facility +200'

 10856 - City of Forney

0 500 1,000
 Feet



Map by: Komal Patel
 Date created: November 30, 2017
 Project Path n \finalmapping\47704MarkoutWSC.mxd

Attachment C



Public Utility Commission of Texas

By These Presents Be It Known To All That

Markout 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, Markout Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10846

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County(ies) as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47704 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 Markout 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 _____ day of _____ 2017.