



Control Number: 47818



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DeAnn T. Walker
Chairman

Brandy Marty Marquez
Commissioner

Arthur C. D'Andrea
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

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Public Utility Commission of Texas
PUBLIC UTILITY COMMISSION
FILING CLERK

TO: DeAnn T. Walker, Chairman
Brandy Marty Marquez, Commissioner
Arthur C. D'Andrea, Commissioner

All Parties of Record

FROM: Gabriel P. Soto *GPS*
Administrative Law Judge

RE: **Open Meeting of February 15, 2018**
Docket No. 47818 – *Petition of Carma Easton, LLC to Amend Creedmoor-Maha Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Expedited Release*

DATE: January 26, 2018

Enclosed is a copy of the Proposed Order in the above-referenced docket. The Commission is currently scheduled to consider this docket at an open meeting to begin at 9:30 a.m. on Thursday, February 15, 2018, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas. The parties shall file corrections or exceptions to the Proposed Order on or before Wednesday, February 7, 2018.

If there are no corrections or exceptions, no response is necessary.

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DOCKET NO. 47818

PETITION OF CARMA EASTON LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND CREEDMOOR-MAHA	§	
WATER SUPPLY CORPORATION'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS	§	
COUNTY BY EXPEDITED RELEASE	§	

PROPOSED ORDER

This Order addresses the petition of Carma Easton LLC for expedited release from Creedmoor-Maha Water Supply Corporation's water certificate of convenience and necessity (CCN) No. 11029 in Travis 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. Carma Easton, owner of an approximately 2,160-acre tract of land in Travis County, on November 30, 2017, petitioned for the expedited release of two parcels of that land, one that is 20.041 acres and the other that is 22.027 acres. Both parcels are within CCN No. 11029. The parcels are adjacent to and contiguous with one another and, together, total 42.068 acres.
2. The petition included an affidavit by Chad Matheson affirming ownership of the approximately 2,160-acres in Travis County and affirming that the 20.041-acre parcel and 22.027-acre parcel are not receiving water service from Creedmoor-Maha.¹
3. The petition indicates that Carma Easton and Creedmoor-Maha have agreed to compensation Creedmoor-Maha will receive when the 42.068 acres are decertified. The petition also indicates that the City of Austin, the alternate service provider, has agreed to the arrangement.

¹ Carma Easton LLC's Petition to Decertify a Portion of Water Certificate of Convenience and Necessity No. 11029 at 12 (Nov. 30, 2017).

4. On December 7, 2017, Order No. 2 was issued setting a deadline for comments on the administrative completeness of the application and notice.
5. On December 27, 2017, Commission Staff recommended that the petition and notice be deemed administratively complete.
6. On December 29, 2017, Order No. 2 was issued finding the petition administratively complete and establishing a procedural schedule.
7. On January 11, 2018, Carma Easton filed a response to Commission Staff's first request for information. The filing included the documents addressing the compensation agreement between Carma Easton and Creedmoor-Maha.
8. On January 12, 2018, Commission Staff recommended the approval of Carma Easton's petition and that the Commission find the agreement between Creedmoor-Maha and Carma Easton be approved as reasonable. Commission Staff provided an amended service area map for Creedmoor-Maha.
9. On January 23, 2018, Commission Staff submitted an amended final recommendation to include a certificate for Creedmoor-Maha that was inadvertently omitted from the initial final recommendation.
10. The amended map and certificate for Creedmoor-Maha are attached to this Order.

Notice

11. Carma Easton provided a copy of the petition to Creedmoor-Maha on November 30, 2017.
12. On January 23, 2018, notice of the petition was submitted to the *Texas Register* for publication.²

Project Description

13. Carma Easton owns the 20.041-acre and 22.027-acre parcels of land. Together the parcels from a single tract of land that is at least 25 acres in area.

² A notice of the petition was filed on December 7, 2017, but was misplaced and not submitted for publication at that time.

14. The tract of land that Carma Easton seeks to have decertified from Creedmoor-Maha's certificated service area is not receiving water service.
15. The 42.068-acre tract of land is located in a qualifying county.
16. By settlement agreement, Carma Easton and Creedmoor-Maha have agreed to the compensation Creedmoor-Maha will receive when the 42.068-acre tract of land is decertified.

Water Service

17. The 42.068-acre tract of land is not receiving any water service from Creedmoor-Maha, as that term has been defined by the Courts.
18. The 42.068-acre tract of land is not receiving actual water service from Creedmoor-Maha.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under TWC §§ 13.041 and 13.254(a-5).³
2. Notice of the petition was provided in compliance with 16 TAC § 24.113(l)(3)(A)(vi) and 16 TAC §§ 22.54-.55.
3. Travis County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(l)(2)(D).
4. The 42.068-acre tract of land is not receiving water service from Creedmoor-Maha under TWC § 13.254(a-5).
5. The 42.068-acre tract of land that is removed from the certificated area under § 13.254(a-5) is at least 25 acres.
6. The agreement between Carma Easton and Creedmoor-Maha regarding what property is useless or valueless and the appropriate amount of compensation is consistent with 16 TAC § 24.113(n)(4).

³ Tex. Water Code Ann. (TWC) §§ 13.041 and 13.254(a-5) (West 2008 & and Supp. 2017).

7. Carma Easton 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 land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
8. Under TWC § 13.257(r) and (s), Carma Easton 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.

III. Ordering Paragraphs

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

1. The petition is approved.
2. Carma Easton's 20.041-acre and 22.027-acre parcels of land are removed from Creedmoor-Maha's water CCN No. 11029.
3. Creedmoor-Maha's water CCN No. 11029 is amended in accordance with this Order.
4. The Commission's official service area boundary maps for Creedmoor-Maha shall reflect this change, as shown in the attached map.
5. A copy of Creedmoor-Maha's amended water CCN No. 11029 is attached to this Order.
6. Creedmoor-Maha shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Travis County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Order.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the _____ day of February 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

BRANDY MARTY MARQUEZ, COMMISSIONER

ARTHUR C. D'ANDREA, COMMISSIONER

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Public Utility Commission Of Texas

By These Presents Be It Known To All That

Creedmoor-Maha Water Supply Corporation

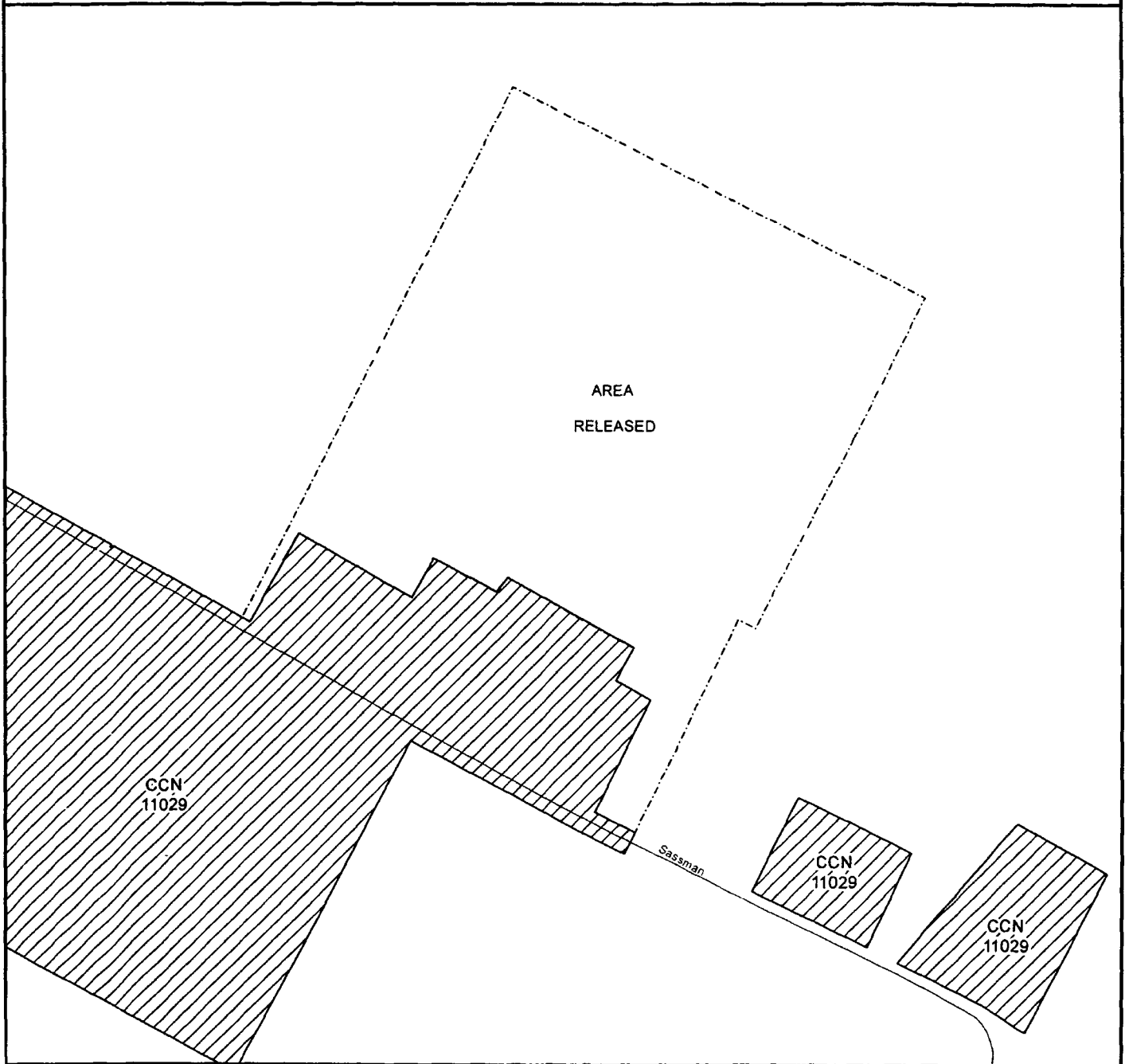
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Creedmoor-Maha Water Supply Corporation,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

Certificate of Convenience and Necessity No. 11029

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Hayes and Travis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47818 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 Creedmoor-Maha 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 _____ 2018.

Creedmoor - Maha Water Supply Corporation
Portion of Water CCN No. 11029
PUC Docket No. 47818
Petition by Carma Easton, LLC to Amend
Creedmoor - Maha Water Supply Corporation's CCN by Expedited Release in Travis County



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

Water CCN



11029 - Creedmoor Maha WSC



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Map by: Koral Patel
Date created: January 8, 2018
Project Path: n:\finalmapping\47818CreedmoorMahaWSC.mxd