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OPEN MEETING COVER SHEET

COMMISSIONER MEMORANDUM

MEETING DATE: February 15, 2018

DATE DELIVERED: February 14, 2018

AGENDA ITEM NO.: 5

CAPTION: **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.***

ACTION REQUESTED: Discussion and possible action with respect to Memo from Chairman Walker regarding Final Order

Distribution List:
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DeAnn T. Walker
Chairman

Brandy Marty Marquez
Commissioner

Arthur C. D'Andrea
Commissioner

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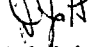
Greg Abbott
Governor

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Public Utility Commission of Texas

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

All Parties of Record (*via electronic transmission*)

FROM: David Hrnair 
Commission Advising

RE: *Petition of Carma Easton LLC to Amend Creedmoor-Maha Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Expedited Release, Docket No. 47818, Order, February 15, 2018 Open Meeting, Item No. 5.*

DATE: February 14, 2018

Please find enclosed a memorandum regarding the above-referenced project, and an amended accounting order proposed by Chairman Walker. No other commissioner will file a memorandum in this docket.

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Public Utility Commission of Texas

Memorandum

TO: Commissioner Brandy Marty Marquez
Commissioner Arthur C. D'Andrea

FROM: Chairman DeAnn T. Walker *DZW*

DATE: February 14, 2018

RE: Open Meeting of February 15, 2018 – Agenda Item No. 5
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*

If the Commission approves the proposed order filed in this docket, I propose modifying the proposed order to make the language consistent with Commission rules and prior Commission orders by making the following changes to findings of fact 1, 3, and 4:

1. Carma Easton, owner of an approximately 2,160-acre ~~areatract~~ of land in Travis County, on November 30, 2017, petitioned for the expedited release of a tract of land comprising two parcels of that 2,160-acre area, land. One parcel ~~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.
3. The petition indicates that Carma Easton and Creedmoor-Maha have agreed to the compensation Creedmoor-Maha will receive when the 42.068-acre tract ~~acres are~~ is decertified. The petition also indicates that the City of Austin, which Carma Easton intends will provide service to the tract ~~the alternate service provider~~, has agreed to the arrangement.
4. On December 7, 2017, Order No. 12 was issued setting a deadline for comments on the administrative completeness of the application and notice.

I propose also adding the following finding of fact and footnote:

- In Docket No. 47295, the Commission approved an agreement between Carma Easton and Creedmoor-Maha regarding property rendered useless or valueless by decertification and regarding compensation for that property.¹ The agreement provided a settlement for seven specified expedited-release dockets. The agreement also settled all future claims between Carma Easton and Creedmoor-Maha, including compensation and any claims related to Carma Easton's future acquisitions.

¹ *City of Austin's Notices of Intent to Provide Water Service to Areas Decertified from Creedmoor-Maha Water Supply Corporation in Travis County*, Docket No. 47295, Order at 4 (Aug. 31, 2017).

I propose adding the following conclusions of law:

- The tract of land released by this Order is included in and subject to the agreement between Carma Easton and Creedmoor-Maha that the Commission approved in Docket No. 47295.
- The requirement under TWC § 13.254(d) to pay compensation for any property rendered useless or valueless to Creedmoor-Maha through decertification is satisfied by the agreement between Carma Easton and Creedmoor-Maha.

I propose also adding the following ordering paragraph:

- Any retail water utility may provide retail water service to the tract of land.

In addition, I propose delegating to Commission Advising and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.