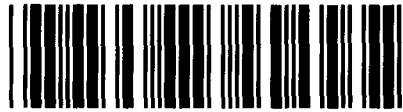


Control Number: 47818



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 47818

RECEIVED
2018 JUN 13 PM 1:06
PUBLIC UTILITY COMMISSION
OF TEXAS

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

PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S AMENDED FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Amended Final Recommendation and would show the following:

I. BACKGROUND

On November 30, 2017, Carma Easton LLC ("Petitioner") filed a petition for expedited release from Creedmoor-Maha Water Supply Corporation's (CMWSC) water certificate of convenience and necessity (CCN) No. 11029 in Travis County, pursuant to Tex. Water Code § 13.254(a-5) (TWC) and 16 Tex. Admin. Code § 24.113(l) (TAC).¹ Petitioner seeks to decertify two contiguous, adjacent tracts amounting to 20.041 and 22.027 acres. Petitioner further asserted that the property is not currently receiving water service from CMWSC. On January 12, 2018, Staff filed its final recommendation but inadvertently omitted the certificate for CMWSC. Staff now files this amended final recommendation to include the certificate.

II. FINAL RECOMMENDATION

As supported by the attached memorandum of Patricia Garcia of the Water Utilities Division, Staff recommends that the petition be approved and that Petitioner receive an expedited release from CMWSC's CCN No. 11029. Petitioner has shown that it meets the requirements for a streamlined expedited release under 16 TAC § 24.1113(l)(2) and TWC § 13.254(a-5).

With respect to property rendered useless or valueless, Staff recommends that the agreement between Petitioner and CMWSC be found reasonable. While 16 TAC § 24.113(n)(6)

¹ While applicant cites to 16 TAC § 24.113(r), Commission rules regarding Expedited Releases and Streamlined Expedited Releases were amended on May 28, 2017. The current applicable rule is 16 TAC § 24.113(l).

requires the Commission to identify which property shall be rendered useless or valueless by the release, parties may reach agreements regarding what property is useless or valueless and the appropriate amount of compensation pursuant to 16 TAC § 24.113(n)(4) and 16 TAC § 24.113(o)(6). The parties have filed such an agreement, and Staff believes that the compensation paid is reasonable.

III. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendation.

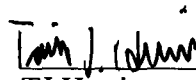
Dated: January 23, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

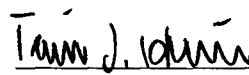


TJ Harris
Attorney – Legal Division
State Bar No. 24097804
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
TJ.Harris@puc.texas.gov

DOCKET NO. 47818

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 23, 2018 in accordance with 16 TAC § 22.74.



TJ Harris

PUC Interoffice Memorandum

To: TJ Harris, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Regulation Division

From: Patricia Garcia, Engineering Specialist
Water Utilities Regulation Division

Date: January 12, 2018

Subject: **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*

On November 30, 2017, Carma Easton LLC (Carma Easton or Petitioner) filed a petition for expedited release of two tracts, one that is 20.041 acres (Parcel A) and the other that is 22.027 acres (Parcel B) from Creedmoor-Maha Water Supply Corporation's (Creedmoor-Maha WSC) water Certificate of Convenience and Necessity (CCN) No. 11029 in Travis County. The petition was filed under Texas Water Code § 13.254(a-5) (West 2008) (TWC) and 16 Texas Administrative Code § 24.113(l) (TAC). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

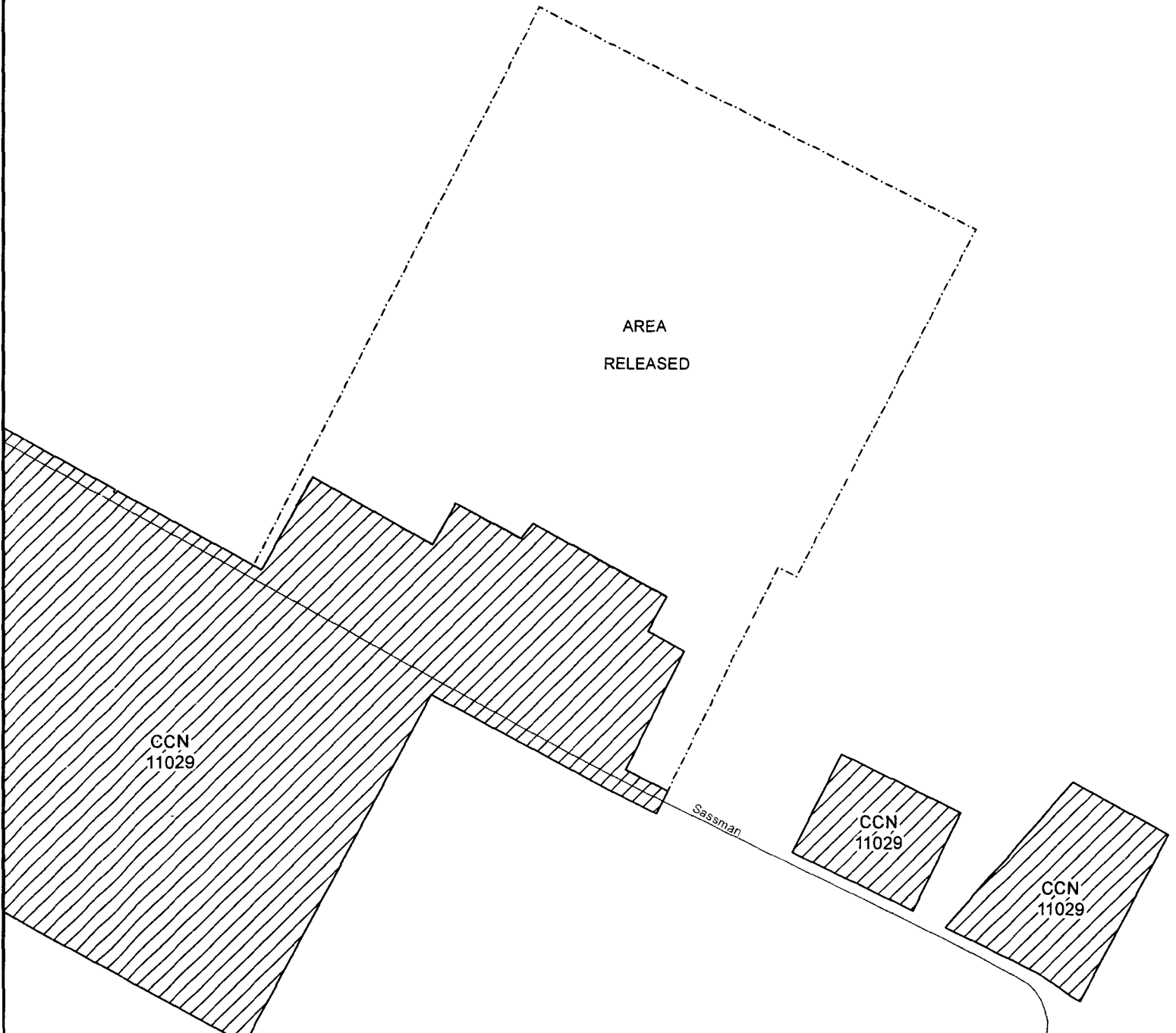
The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the locations of the requested release areas within Creedmoor-Maha WSC's certificated area. Mapping Staff was able to confirm the acreage of the subject properties, and determined that the requested areas are located within the subject property. Furthermore, the Petitioner provided warranty deeds confirming the Petitioners' ownership of the tracts of land within the subject property.

The petition also included a statement indicating a copy of the petition was sent via certified mail to Creedmoor-Maha WSC on the date the petition was filed with the Commission.

Staff recommends that the agreement between Creedmoor-Maha WSC and Petitioner be approved as reasonable. Pursuant to 16 TAC § 24.113(n)(4), (o)(6), the parties may reach an agreement regarding what property is useless or values and what the appropriate amount of compensation for such property is.

On December 29, 2017, Order No. 2 deemed the petition administratively complete, starting the 60 day period which, therefore ends February 27, 2018. The procedural schedule required Staff's final disposition to be filed on January 12, 2018, and set January 19, 2018, as the deadline for the Petitioner's response. In accordance with the TWC, Chapter 13, and 16 TAC, Chapter 24, the Petitioner has met the Commission's requirements to allow for the release of the requested area from Creedmoor-Maha WSC CCN No. 11029. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

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

 AREA RELEASED

0 200 400
Feet



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



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.