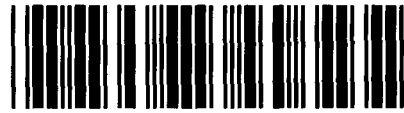




Control Number: 48015



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 48015

RECEIVED

PETITION OF CENTEX LAS §  
PALOMAS, L.P. TO AMEND THE §  
CITY OF LYTLE'S CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN ATASCOSA COUNTY BY §  
EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

2018 MAR 19 AM 9:09  
OFFICE OF THE PUBLIC UTILITY COMMISSION  
FILING CLERK

**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. 2. In support thereof, Staff shows the following:

**I. BACKGROUND**

On February 2, 2018, Centex Las Palomas, L.P. (Las Palomas) filed a petition for expedited release from the City of Lytle's (Lytle) water certificate of convenience and necessity (CCN) No. 11007, in Atascosa County. Specifically, Las Palomas seeks expedited release of 113.86 acres from Lytle's CCN under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l).

On March 5, 2018, Order No. 2 was issued, establishing a deadline of March 19, 2018, for Staff to file a recommendation on final disposition. This pleading is therefore timely filed.

**II. RECOMMENDATION**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Water Utility Regulation Division, Staff has reviewed the petition for expedited release and recommends that the petition be approved and that no property would be rendered useless or valueless. Specifically, Staff was able to verify the location, acreage, and ownership of the area sought to be released and Staff was unable to identify property that would be rendered useless or valueless by the decertification. Staff therefore recommends that the petition be granted, that no property will be rendered useless or valueless, and that no compensation proceeding is necessary if the

Commission grants the petition and determines that no property is rendered useless or valueless.<sup>1</sup>  
A proposed final map and CCN certificate are attached to this filing.

### III. CONCLUSION

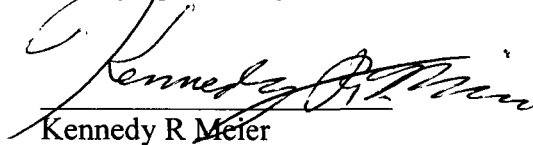
For the reasons detailed above, Staff recommends that the petition be granted and that no property will be rendered useless or valueless by the granting of the petition.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

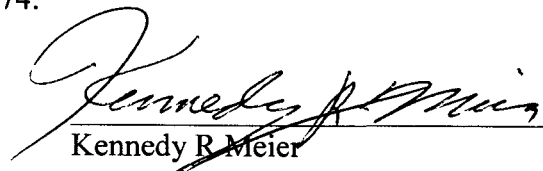


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**DOCKET NO. 48015**

### CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 19, 2018, in accordance with 16 TAC § 22.74.



Kennedy R. Meier

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<sup>1</sup> See 16 Tex. Admin. Code § 24.113(n)(7).

## PUC Interoffice Memorandum

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**To:** Kennedy Meier, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Patricia Garcia, Engineering Specialist  
Water Utility Regulation Division

**Date:** March 19, 2018

**Subject:** **Docket No. 48015**, *Petition of Centex Las Palomas, L.P. to Amend City of Lytle's Certificate of Convenience and Necessity in Atascosa County by Expedited Release*

On February 2, 2018, Centex Las Palomas, L.P. (Petitioner) filed a request for an expedited release of approximately 113.9 acres from the City of Lytle's water Certificate of Convenience and Necessity (CCN) No. 11007 in Atascosa County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Atascosa County, which is a qualifying county.

The Petitioner has provided 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 § 24.113(m). The map and digital data are sufficient for determining the location of the requested release area within City of Lytle's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested release area is located within the subject property. Furthermore, the Petitioner provided a deed confirming the Petitioner's ownership of the subject property. The Petitioner submitted a sworn affidavit attesting that the subject property was not receiving water utility service from City of Lytle. The area being requested for expedited release is approximately 113.9 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to City of Lytle, the current holder of CCN No. 11007.

Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 24.113(n)(3). 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). City of Lytle did not request to intervene.

On March 5, 2018, Order No. 2 deemed the petition administratively complete, starting the 60 day period, which therefore ends May 4, 2018. The procedural schedule required Staff's final recommendation to be filed on March 19, 2018, and set March 26, 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 City of Lytle's CCN No. 11007. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**City of Lytle**

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, City of Lytle is entitled to this

## **Certificate of Convenience and Necessity No. 11007**

to provide continuous and adequate water utility service to that service area or those service areas in Atascosa, Bexar and Medina Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48015 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 City of Lytle, 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.

City of Lytle  
 Portion of Water CCN No. 11007  
 PUC Docket No. 48015  
 Petition by Centex Las Palomas, L.P. to Amend  
 City of Lytle's CCN by Expedited Release in Atascosa County

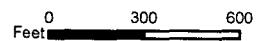


Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

**Water CCN**

-  11007 - City of Lytle
-  12587 - Benton City WSC

-  Area Released
-  Property Boundary



Map by Komal Patel  
 Date created: March 12, 2018  
 Project Path n:\finalmapping\48015CityofLytle.mxd