



Control Number: 48015



Item Number: 8

Addendum StartPage: 0

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
 OF TEXAS
 PUBLIC UTILITY COMMISSION
 CLERK
 APR 27 PM 3:21

NOTICE OF APPROVAL

This Notice addresses the petition of Centex Las Palomas, L.P. for expedited release of approximately 113.86 acres of land within the City of Lytle's water certificate of convenience and necessity (CCN) No. 11007 in Atascosa County. Commission Staff recommends 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. On February 2, 2018, Centex filed a petition for expedited release of approximately 113.86 acres of land within the City of Lytle's water CCN No. 11007 in Atascosa County. The petition included a special warranty deed confirming Centex's ownership of the 113.86-acre tract of land, an affidavit confirming that the tract of land is not receiving water service from the City of Lytle, that the 113.86-acre tract of land is located in Atascosa County, and a statement that the petition was sent *via* certified mail to the City of Lytle.
2. On February 7, 2018, Order No. 1 was issued requiring comments on the administrative completeness of the petition and notice, and establishing a procedural schedule.
3. On March 1, 2018, Commission Staff recommended that the petition and notice be deemed administratively complete.
4. On March 5, 2018, Order No. 2 was issued finding the petition administratively complete, notice sufficient, and establishing a procedural schedule.

5. On March 19, 2018, Commission Staff recommended (a) approval of the petition, (b) that no property would be rendered useless or valueless by decertification, and (c) that no compensation proceeding is necessary. Commission Staff also provided an amended certificate and service area map.
6. The map and certificate referenced above are attached to this Notice.
7. No protests, motions to intervene, or requests for hearing were filed in this proceeding.

Notice

8. Notice of the petition was published in the *Texas Register* on February 16, 2018.

Project Description

9. Centex owns the 113.86-acre tract of land in Atascosa County.
10. The 113.86-acre tract of land is located within the City of Lytle's water CCN No. 11007 service area.
11. The tract of land is located in a qualifying county and is not receiving water service.

Water Service

12. The tract of land is not receiving water service from the City of Lytle as that term has been defined by the courts.

Useless or Valueless

13. The City of Lytle has no property that is rendered useless or valueless by the decertification.

II. Conclusions of Law

1. Atascosa County is a qualifying county as defined in Texas Water Code § 13.254(a-5)¹ and 16 Texas Administrative Code (TAC) § 24.113.
2. The Commission has jurisdiction over this petition under TWC §§ 13.041 and 13.254(a-5).
3. Notice of the petition was provided in compliance with 16 TAC § 24.113(l)(3)(A)(vi) and 16 TAC §§ 22.54 and 22.55.

¹ Tex. Water Code Ann. § 13.254(a-5) (West 2008 & Supp. 2017) (TWC).

4. The 113.86-acre tract of land is not receiving water service from the City of Lytle under TWC § 13.254(a-5).
5. No property of the City of Lytle is rendered useless or valueless by the decertification; therefore, under TWC § 13.254(d)-(g) no compensation is owed.
6. Because no compensation is owed, under TWC § 13.254(d)-(g) a retail public utility may render retail water service directly or indirectly to the public in the decertified area without providing compensation to the City of Lytle.
7. Centex is entitled to approval of the petition having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113 by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
8. The petition was processed in accordance with the Administrative Procedure Act,² TWC, and Commission rules.
9. Under TWC § 13.257(r) and (s), the City of Lytle 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. Centex's 113.86-acre tract of land is removed from the City of Lytle's water CCN No. 11007.
3. The City of Lytle's water CCN No. 11007 is amended in accordance with this Notice.
4. The Commission's official service area boundary map for the City of Lytle shall reflect this change, as provided in the attached map.

² Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016 & Supp. 2017).

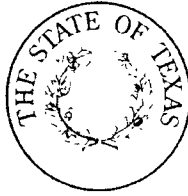
5. The City of Lytle shall comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Atascosa County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Order.
6. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 24th day of April 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Irene Montelongo', is written over a horizontal line.

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**



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 27th day of April 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



Water CCN

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

-  Area Released
-  Property Boundary

0 300 600
Feet

