



Control Number: 48484



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PETITION OF EQK BRIDGEVIEW §
PLAZA, LLC TO AMEND HIGH POINT §
WATER SUPPLY CORPORATION'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN KAUFMAN §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION 2018 SEP 11 AM 11:26

PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

COMMISSION STAFF'S SUPPLEMENTAL STATEMENT OF CLARIFICATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental Statement of Clarification in response to Order No. 4 Requiring Clarification. In support thereof, Staff shows the following:

I. BACKGROUND

On June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview) filed a petition with the Public Utility Commission of Texas (Commission) for expedited release from High Point Water Supply Corporation's (High Point WSC) water certificate of convenience and necessity (CCN) No. 10841, pursuant to Tex. Water Code (TWC) § 13.254(a-5) and 16 Tex. Admin. Code (TAC) § 24.113(l).

EQK Bridgeview asserts that it owns over 25 acres of contiguous property in Kaufman County, Texas (Property). Furthermore, EQK Bridgeview states that the entirety of the Property is located within the boundaries of water CCN No. 10841. Additionally, EQK Bridgeview claims that the Property is not receiving service from any water service provider.

On September 11, 2018, the Administrative Law Judge (ALJ) issued Order No. 4, requiring Staff to clarify its final recommendation by September 14, 2018. Therefore, this pleading is timely filed.

II. STAFF'S SUPPLEMENTAL STATEMENT OF CLARIFICATION

In Staff's previous statement of clarification, filed September 12, 2018, Staff clarified that the total property owned by EQK Bridgeview is approximately 2,807 acres, but the area being requested for expedited release from High Point WSC is approximately 1,819.9 acres; the remaining area owned by EQK Bridgeview is not located within High Point WSC's CCN.

Staff would like to further clarify its final recommendation by providing details as to the number of and sizes of tracts affected. As supported by the attached memorandum from Patricia Garcia of the Commission's Water Utility Regulation Division, Staff respectfully clarifies that there are four (4) tracts affected totaling approximately 2,807 acres, with approximately 1,819.9 of those acres located within High Point WSC's CCN boundaries. The breakdown of each tract's size is detailed in the attached memorandum.

Dated: September 14, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 14, 2018, in accordance with 16 TAC § 22.74.



Justine Isabelle Caedo Tan

PUC Interoffice Memorandum

To: Justine Isabelle Tan, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Engineering Specialist
Water Utility Regulation Division

Date: September 13, 2018

Subject: **Docket No. 48484:** *Petition of EQK Bridgeview Plaza, LLC to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview or Petitioner) filed a petition for expedited release from High Point Water Supply Corporation's (WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman 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 § 24.119. The map and digital data are sufficient for determining the locations of the requested release areas within High Point 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. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder.

There are 4 tracts of land owned by EQK Bridgeview which total approximately 2807 acres. Of the 2807 acres, approximately 1819.9 acres are located within High Point WSC's CCN boundaries and are therefore being requested for expedited release. The remaining acreage owned by EQK Bridgeview are described as follows:

Approximately 2 acres remains within Kaufman Development District No. 1, CCN No. 12944;
Approximately 22 acres remains within Lawrence WSC, CCN No. 12234; and
Approximately 964 acres not within a CCN.

Deed Vol. 3975, Pg. 124

Tract 1: 0.484 acre -> 0.484 acre to be decertified
Tract 2: 2.853 acre -> 2.853 acre to be decertified
Total approximate acreage to be decertified from High Point = 3.337

Deed Vol. 3886, Pg. 212

Tract 1: 2749.6 acre -> 1761.5 acre to be decertified
Tract 2: 54.07 acre -> 54.07 acre to be decertified
Total approximate acreage to be decertified from High Point = 1815.57