



Control Number: 48587



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**DOCKET NO. 48587**

<b>PETITION OF RAYMOND MARTIN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND HIGH POINT WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S FINAL RECOMMENDATION**

**COMES NOW** the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 4, files this Final Recommendation. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 10, 2018, and as amended on September 10, 2018, Raymond Martin (Applicant) filed a petition for expedited release from the High Point Water Supply Corporation (High Point WSC) water certificate of convenience and necessity (CCN) No. 10841, in Rockwall County. Applicant seeks expedited release of approximately 50 acres from High Point WSC's CCN under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(*l*) (formerly § 24.113(*l*)). Order No. 4 established a deadline of December 3, 2018, for Staff to file a final recommendation. Therefore, this pleading is timely filed.

**II. STATUTORY APPROVAL DEADLINE**

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(*l*), the Commission must render a decision on a petition for expedited release "not later than the 60th day after the date the landowner files the petition." A petition is not considered filed until it is deemed administratively complete. Applicant's petition was deemed administratively complete in Order No. 3, issued on November 14, 2018; therefore, the 60 day deadline for administrative approval is January 13, 2019.

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PUBLIC UTILITY COMMISSION  
FILED CLERK

### **III. FINAL RECOMMENDATION**

Staff has reviewed Applicant's petition and, as supported by the attached memorandum of Jolie Mathis of the Commission's Water Utilities Division (Attachment A), Staff recommends that the petition be approved. The maps and digital data submitted by Applicant provide adequate information to demonstrate that Applicant satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l). Specifically, the petition shows that the property for which Applicant seeks expedited release is located in a qualifying county (Rockwall County), is not receiving water service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. Applicant has shown through its petition that it meets the requirements for expedited release. Additionally, no property will be rendered useless or valueless as a result of this petition. Therefore, Staff recommends that the petition be approved.

The final map (Attachment B) and CCN Certificate (Attachment C) are attached to this filing.

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that Applicant's petition be approved.

**December 3, 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 December 3, 2018, in accordance with 16 TAC § 22.74.

  
Hunter Burkhalter

## PUC Interoffice Memorandum

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To: Hunter Burkhalter, Attorney  
Legal Division

Thru: Lisa Fuentes, Manager  
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist  
Water Utility Regulation Division

Date: December 3, 2018

Subject: **Docket No. 48587:** *Petition of Raymond Martin to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Expedited Release*

On September 10, 2018, Raymond Martin (Martin or Petitioner) filed an amended application for expedited release from High Point Water Supply Corporation's (High Point) water Certificate of Convenience and Necessity (CCN) No. 10841 in Rockwall County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly § 24.113(l)). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall 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 § 24.257, (formerly § 24.119). The map and digital data are sufficient for determining the locations of the requested release areas within High Point's certificated area. Mapping Staff was able to confirm the acreage of the subject property, and determined that the requested area is located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioners' ownership of the tract 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. The area being requested for expedited release is approximately 50 acres.

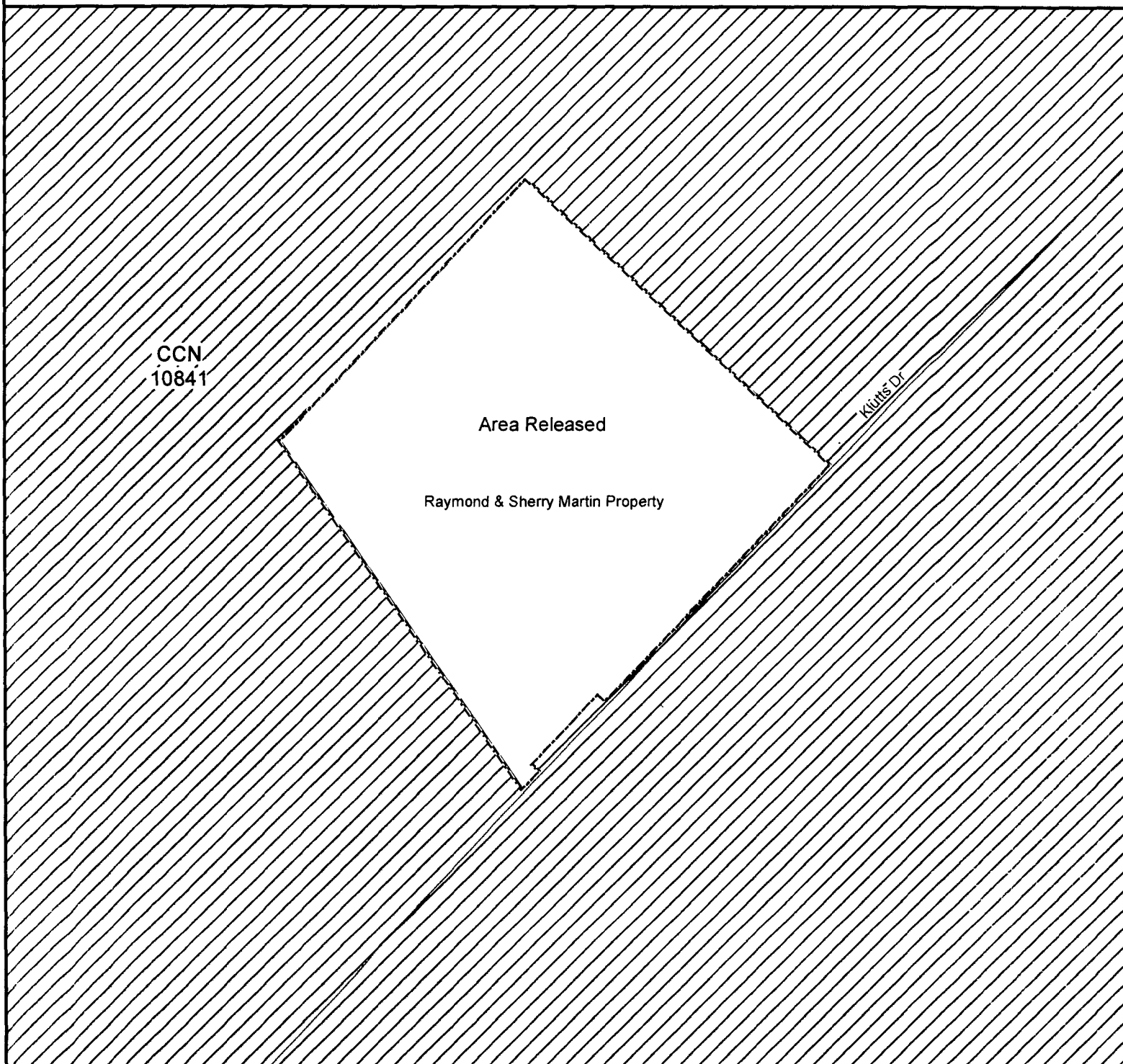
The petition also included a statement indicating a copy of the petition was sent via certified mail to High Point, the current holder of CCN No. 10841, on the date the petition was filed with the Commission.

In addition, Staff recommends that there is no useless or valueless property, in accordance with § 24.245(n)(3), formerly § 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 24.245(n)(7), formerly § 24.113(n)(7).

In accordance with TWC § 13.254(a-5) and 16 TAC § 24.245(l) (formerly 16 TAC § 24.113(l)) the Petitioner has met the Commission's requirements to allow for the release of the requested area from the High Point WSC's CCN No. 10841. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

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High Point Water Supply Corporation  
Portion of Water CCN No. 10841  
PUC Docket No. 48587  
Petition by Raymond and Sherry Martin to Amend  
High Point WSC's CCN by Expedited Release in Rockwall County



**Water CCN**



10841 - High Point WSC



Area Released



Property Boundary

0 250 500  
Feet





# **Public Utility Commission Of Texas**

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

## **High Point 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, High Point Water Supply Corporation, is entitled to this

### **Certificate of Convenience and Necessity No. 10841**

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman and Rockwall Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48587 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 High Point 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.