

Control Number: 48700



Item Number: 15

Addendum StartPage: 0

DOCKET NO. 48700

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PETITION OF DENTON SORRELLS, LLC TO AMEND AQUA TEXAS, INC.'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY EXPEDITED RELEASE	§ § § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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PUBLIC UTILITY COMMISSION FILING CLERK

COMMISSION STAFF'S AMENDED 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 Amended Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On September 19, 2018, and as amended on December 3, 2019 Denton Sorrells, LLC filed a petition with the Commission for expedited release from the service area of Aqua Texas, Inc. under certificate of convenience and necessity (CCN) number 13201 in Denton County under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1) (which section was subsequently repealed and readopted at 16 TAC § 24.245(1)). Denton Sorrells owns a tract of land that is approximately 324 acres and is located within the boundaries of Aqua's service area. On January 5, 2019 Order No. 4 was issued and established a deadline of January 21, 2019, for Staff to file a final recommendation. On January 17, 2019 Staff filed a Final Recommendation recommending approval. However, the necessary attachments to that pleading were inadvertently omitted. Those attachments have been attached to this amended pleading.

II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(1), 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

15

complete. Applicant's petition was deemed administratively complete in Order No. 4, issued on January 7, 2019; therefore, the 60 day deadline for administrative approval is March 8, 2019.

III. FINAL RECOMMENDATION

Staff has reviewed Applicant's petition and, as supported by the attached memorandum of Elizabeth English 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 (Denton 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. Finally, no person intervened by the intervention deadline to dispute the 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

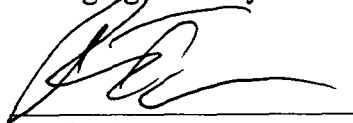
For the reasons stated above, Staff respectfully recommends that Applicant's petition be approved.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

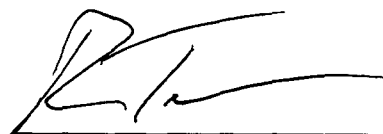


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the
(DATE) in accordance with 16 TAC § 22.74.



Rustin Tawater

ATTACHMENT A

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: December 18, 2018

Subject: **Docket No. 48700**, *Petition of Denton Sorrells, LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release.*

On September 19, 2018 Denton Sorrells, LLC (Denton Sorrells) and Punkadilly, LTD (Punkadilly) (collectively "Petitioners") requesting the expedited release of approximately 386 acres of land located within the boundaries of Aqua Texas, Inc.'s (Aqua) water certificate of convenience and necessity (CCN) No. 13201 in Denton County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioners assert that the land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On December 3, 2018, the Petitioners filed a request to sever the expedited release into two separate petitions due to the request involving two landowners. On December 14, 2018, the request to sever was granted. The above referenced docket is now solely for the release of Denton Sorrells property within the boundaries of Aqua's CCN. Punkadilly's request for release was assigned Docket No. 48975.

Denton Sorrells 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 § 24.257 (formerly § 24.119). The map and digital data are sufficient for determining the location of the requested release area within Aqua'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, Denton Sorrells provided a deed confirming their ownership of the subject property. Denton Sorrells submitted a sworn affidavit attesting that the subject property was not receiving water utility service from Aqua. The area being requested for expedited release is approximately 324 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the petition was sent via certified mail to Aqua.

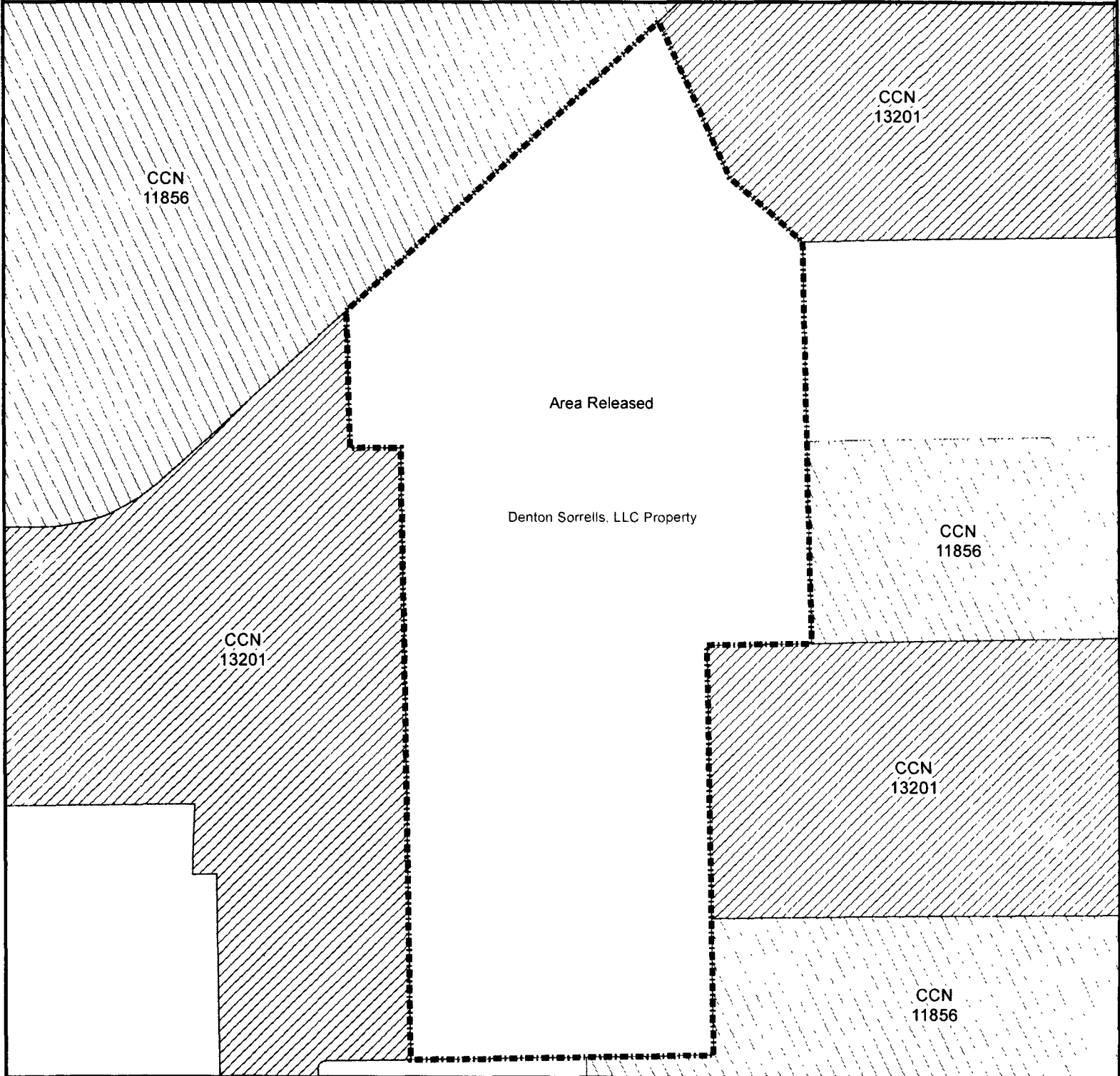
Order No. 2 gave an intervention deadline of January 14, 2019. Staff recommends that there is no useless or valueless property, in accordance with 24.245(n)(5). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 24.245(n)(7).

In accordance with TWC § 13.254(a-5) and 16 TAC § 24.245(1) Denton Sorrells has met the Commission's requirements to allow for the release of the requested area from Aqua's CCN No.

13201. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.



ATTACHMENT B

Aqua Texas, Inc.
Portion of Water CCN No. 13201
PUC Docket No. 48700
Petition by Denton Sorrells, LLC to Amend
Aqua Texas, Inc.'s CCN by Expedited Release in Denton County

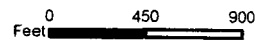


Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  13201 - Aqua Texas Inc
-  11856 - Mustang SUD

-  Property Boundary
-  Area Released



Map by Komal Patel
Date created January 16, 2019
Project Path n:\finalmapping\
48700AquaTX.mxd

ATTACHMENT C



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Texas, Inc.

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 by Aqua Texas, Inc., is entitled to this

Certificate of Convenience and Necessity No. 13201

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Taylor, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48700 are on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc. 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, the _____ day of _____ 2019.