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PUC DOCKET NO. PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION BY DENTON SORRELLS, § BEFORE THE
 LLC AND PUNKADILLY, LTD. §
 FOR EXPEDITED RELEASE FROM § PUBLIC UTILITY COMMISSION
 WATER CCN NO. 13201 HELD BY §
 AQUA TEXAS, INC. IN DENTON COUNTY § OF TEXAS

**PETITION BY DENTON SORRELLS, LLC AND PUNKADILLY, LTD. FOR
 EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, DENTON SORRELLS, LLC and PUNKADILLY, LTD. ("Petitioners") and file this Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Aqua Texas, Inc.'s ("Aqua") water certificate of convenience and necessity ("CCN") No. 13201, pursuant to (i) Texas Water Code Section 13.254(a-5); and (ii) Rule 24.113(l) of the Commission's Rules found at 16 Tex. Admin. Code Section 24.113; and in support thereof would respectfully show as follows:

I. APPLICABLE REGULATIONS

Section 13.254(a-5) of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN.¹ For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release."² The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Denton County is a county in

¹ Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

² *Id.*

which owners of at least 25 acres are entitled to expedited release.³ Under Section 13.254(a-6), the PUC “shall grant a petition received under Subsection (a-5) not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioners own approximately 324 acres of contiguous property in Denton County (Denton Sorrells, LLC) and approximately 62 acres of adjacent and contiguous property in Denton County (Punkadilly, Ltd.) (collectively, the “Properties”). The Properties are within the boundaries of water CCN No. 13201, held by Aqua. The Properties do not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” Maps showing the location of the Properties is attached hereto as Exhibit “B-1 and B-2.” Deeds showing ownership of the Properties are attached hereto as Exhibit “C-1 and C-2.”

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Properties described herein. The Properties are greater than 25 acres, are not receiving water or sewer service, and are entirely within Denton County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.254(a-5) releasing all portions of the Properties that are within the boundaries of water CCN No. 13201.

³ 16 Tex. Admin. Code § 24.113(I)

Respectfully submitted,

COATS | ROSE

By: 

Natalie B. Scott
State Bar No. 24027970
nscott@coatsrose.com
Barton Oaks Plaza
901 S. MoPac Expressway, Bldg. 1, Suite 500
Austin, Texas 78746
(512) 469-7987 Telephone
(512) 469-9408 Telecopier

**ATTORNEY FOR PETITIONERS
DENTON SORRELLS, LLC AND
PUNKADILLY, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2018, a true and correct copy of the Petition by Denton Sorrells, LLC and Punkadilly, Ltd. for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489

Via Certified Mail, RRR

CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"

Affidavit of Stephanie Sorrells

PETITION BY DENTON SORRELLS,	§	BEFORE THE
LLC AND PUNKADILLY, LTD.	§	
FOR EXPEDITED RELEASE FROM	§	PUBLIC UTILITY COMMISSION
WATER CCN NO. 13201 HELD BY	§	
AQUA TEXAS, INC. IN DENTON COUNTY	§	OF TEXAS

**AFFIDAVIT OF STEPHANIE SORRELLS IN SUPPORT OF PETITION FOR
EXPEDITED RELEASE FROM WATER CCN NO. 13201 HELD BY AQUA TEXAS,
INC. PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

STATE OF TEXAS §

COUNTY OF DENTON §

BEFORE ME, the undersigned notary, personally appeared Stephanie Sorrells, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is Stephanie Sorrells. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the registered agent of Denton Sorrells, LLC, one of the Petitioners in the above-captioned matter. Denton Sorrells, LLC owns approximately 324 acres of land, which appears to be located within the boundaries of water CCN No. 13201 issued to Aqua Texas, Inc. This property is located in Denton County, Texas. Exhibit “B -1” attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN.

3. I am the President of Punkadilly, Ltd., one of the Petitioners in the above-captioned matter. Punkadilly owns approximately 62 acres of land, which appears to be located within the boundaries of water CCN No. 13201 issued to Aqua Texas, Inc. This property is located in Denton County, Texas. Exhibit “B -2” attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN.

4. Neither the Denton Sorrells property nor the Punkadilly property (the “Properties”) are receiving water or sewer service from Aqua Texas, Inc. or any other water or sewer service provider. The Properties have not requested water or sewer service from Aqua Texas, Inc. or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Properties.

5. I request that the Public Utility Commission of Texas release these Properties from water CCN No. 13201.”

FURTHER AFFIANT SAYETH NOT.

Stephanie Sorrells
Stephanie Sorrells

SWORN TO AND SUBSCRIBED TO BEFORE ME by Stephanie Sorrells on 14
September, 2018.



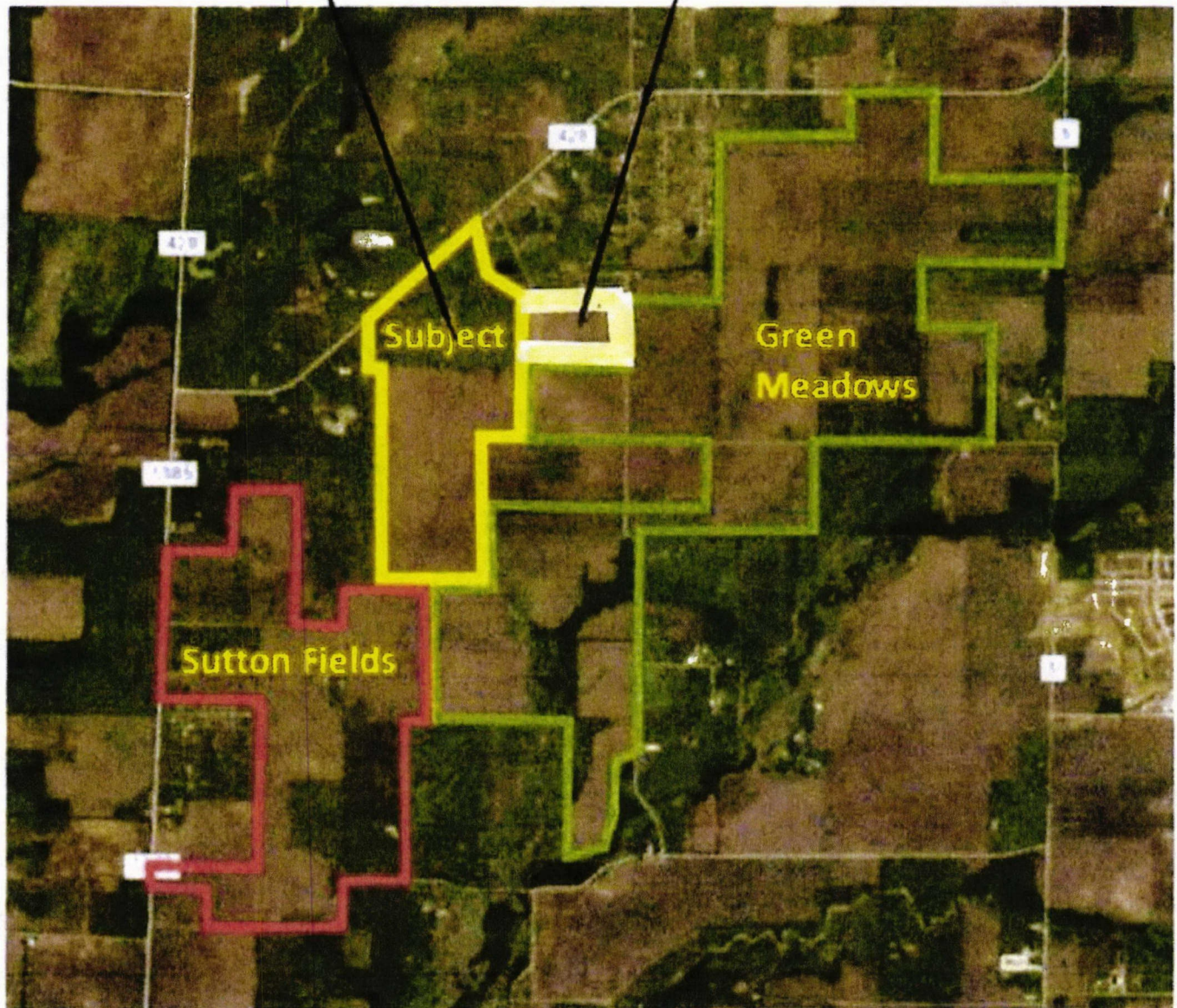
[Signature]
Notary Public, State of Texas

EXHIBITS “B-1” and “B-2”

Maps

Dentam Sorrells
324 acres

Punkadilly
62 acres



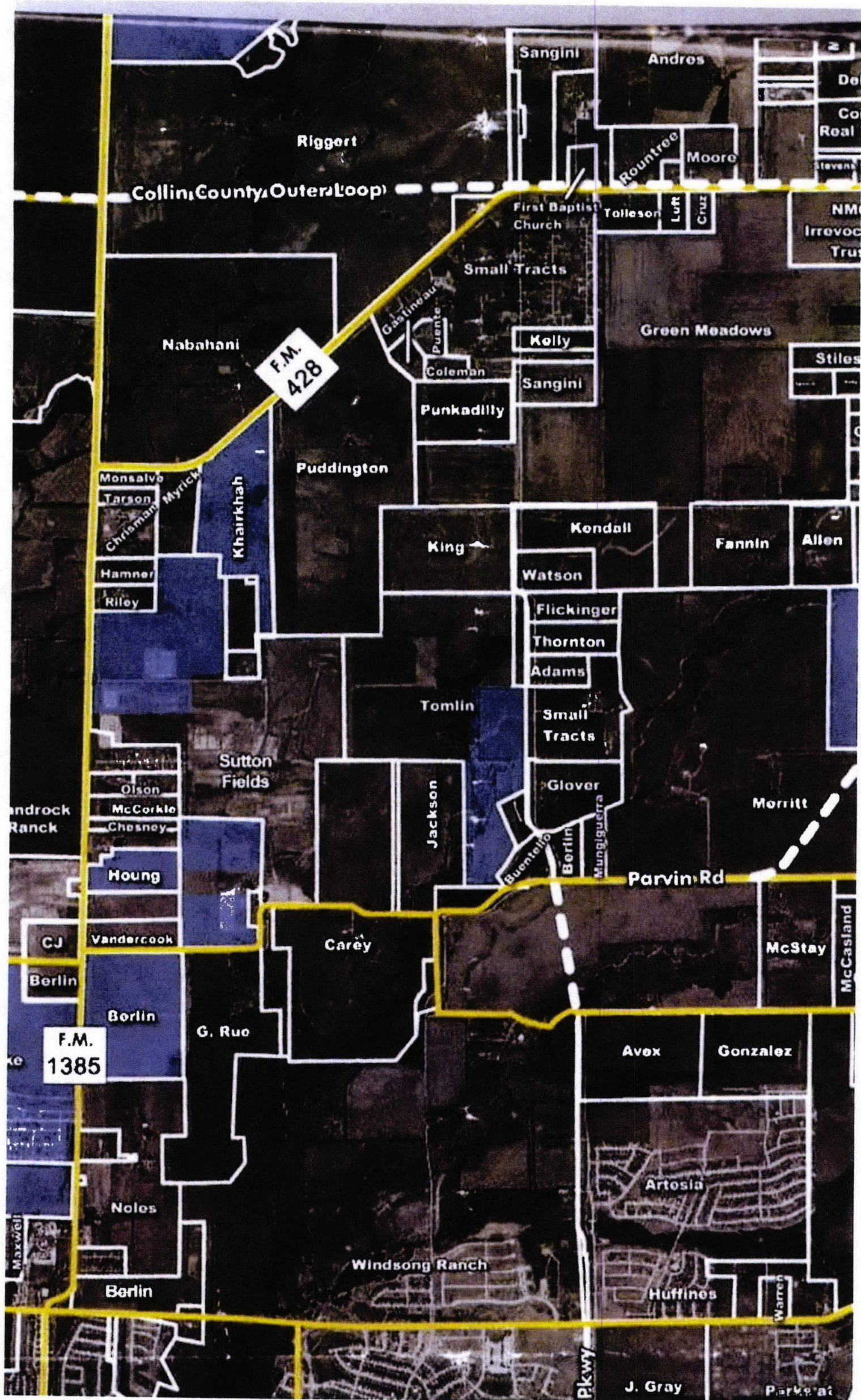


EXHIBIT "C-1"

Ownership of Denton Sorrells, LLC

CERTIFICATE OF FORMATION
OF
DENTON SORRELLS, LLC

The undersigned, a natural person of the age of eighteen (18) years or more, acting as organizer of a limited liability company under the Texas Limited Liability Company Law (the "TLLCL"), does hereby adopt the following Certificate of Formation for such limited liability company.

ARTICLE ONE

The filing entity being formed is a limited liability company. The name of the limited liability company is Denton Sorrells, LLC (the "Company").

ARTICLE TWO

The purpose for which the Company is formed is for the transaction of any and all lawful purposes for which a limited liability company may be organized under the TLLCL.

ARTICLE THREE

The Company shall have perpetual existence.

ARTICLE FOUR

The initial registered agent is an individual resident of the state whose name and business address and the registered office address are set forth below:

<u>Name</u>	<u>Address</u>
Stephanie Dyann Sorrells	5921 Turtle Creek Dr. Plano, Texas 75093

ARTICLE FIVE

The powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under the direction of one or more managers. The number, and the classes and qualifications of, managers shall be fixed from time to time by or in accordance with the company agreement of the Company as adopted and amended from time to time in accordance with the TLLCL (the "Company Agreement"). The names and addresses of the persons who are to serve as the initial managers until their successors are duly elected are:

<u>Name</u>	<u>Address</u>
Stephanie Dyann Sorrells	5921 Turtle Creek Dr. Plano, Texas 75093
Sheryl Lee Thostenson	5908 Burgandy St. Plano, Texas 75093

ARTICLE SIX

Except as and to the extent the Company Agreement specifically provide otherwise, a member or manager shall not be liable for the debts, obligations or liabilities of the Company including under a judgment, decree or order of a court. A manager shall not be personally liable to the Company or any of its members for any monetary damages for any act or omission in his capacity as a manager except that this Article does not eliminate or limit the liability of a manager to the extent the manager is found liable for (i) a breach of the manager's duty of loyalty to the Company or its members; (ii) an act or omission not in good faith that constitutes a breach of duty of the manager to the Company or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction from which the manager received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the manager's office; or (iv) an act or omission for which the liability of a manager is expressly provided by a statute of the State of Texas. Any repeal or modification of this Article or the Company Agreement shall be prospective only, and shall not adversely affect any limitation of the personal liability of a manager or member of the Company at the time of the repeal or modification. In addition to the circumstances in which the manager of the Company is not liable as set forth in the preceding sentences, the manager shall not be liable to the fullest extent permitted by any provision of the statutes of the State of Texas hereafter enacted that further limits the liability of a manager or of a director of a corporation.

ARTICLE SEVEN

The Company Agreement may establish one or more classes or groups of one or more members having the relative rights, powers and duties, including voting rights, and may provide for the future creation of additional classes or groups of members having the relative rights, powers and duties, expressed either in the Company Agreement or at the time of creation of such classes or groups of members. The rights, powers or duties of a class or group of members may be senior to those of one or more existing classes or groups of members.

ARTICLE EIGHT

Cumulative voting in the election of managers is expressly prohibited. The preemptive right to acquire any membership interests or securities of any class that may at any time be issued, sold or offered for sale by the Company are hereby expressly prohibited.

ARTICLE NINE

Any action required by the TLLCL to be taken at any annual or special meeting of members, or any action which may be taken at any annual or special meeting of members, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the holder or holders of membership interests having not less than the minimum number of votes that would be necessary to take such action at a meeting at which the holders of all membership interests entitled to vote on the action were present and voted. Prompt notice of the taking of any action by the members without a meeting by less than unanimous written consent shall be given to those members who did not consent in writing to the action.

ARTICLE TEN

The power to adopt, alter, amend or repeal the Company Agreement of the Company shall be vested in the manager or managers of the Company, subject to any power expressly vested by the Company Agreement in the members to adopt, alter, amend or repeal the Company Agreement.

ARTICLE ELEVEN

The Certificate of Formation may be amended from time to time as provided in the Company Agreement.

ARTICLE TWELVE

The name and address of the organizer is:

Name

Address

Rita Lee Sorrells

5336 Blake Dr.
Plano, Texas 75093-3424

IN WITNESS WHEREOF, the undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument this 29th day of November, 2016.

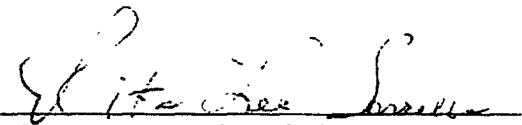

Rita Lee Sorrells, Organizer

EXHIBIT “C-2”

Ownership of Punkadilly, Ltd.

**SECOND AMENDMENT
TO
PUNKADILLY, LTD.**

Effective Date November 21, 2005

This amendment is in accordance with Article XIII, Section 13.01 of Punkadilly, Ltd.

Pat G. Sorrells, a limited partner, in the partnership is deceased. The probate of his estate is filed under Cause P8336 in the Burnet County Court at Law. Sheryl L. Thostenson and Stephanie D. Sorrells are Co-Executors of the estate and sole heirs to the estate.

The Ind. Co-Executors of the estate hereby transfer the 96% ownership of Pat G. Sorrells equally to Sheryl L. Thostenson and Stephanie D. Sorrells.

Estate of Pat G. Sorrells

By: _____
Sheryl L. Thostenson
Ind. Ex. of the Estate of
Pat G. Sorrells

Blondies

By: Stephanie D. Sorrells
Stephanie D. Sorrells
Ind. Ex. of the Estate of
Pat G. Sorrells