



Control Number: 48707



Item Number: 7

Addendum StartPage: 0

PETITION OF BLOOMFIELD  
HOMES, L.P. TO AMEND JOHNSON  
COUNTY SPECIAL UTILITY  
DISTRICT'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
TARRANT COUNTY BY EXPEDITED  
RELEASE

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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PUBLIC UTILITY COMMISSION  
CLERK

### COMMISSION STAFF'S FINAL RECOMMENDATION

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation in response to Order No. 2. In support thereof, Staff would show the following:

#### I. BACKGROUND

On September 21, 2018, Bloomfield Homes, L.P. (Bloomfield) filed a petition with the Commission for expedited release from Johnson County Special Utility District's (Johnson County SUD) water Certificate of Convenience and Necessity (CCN) No. 10081 in Tarrant County, pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l), formerly 16 TAC § 24.113(l). Bloomfield asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

On October 26, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, requiring Staff to file a recommendation on final disposition by November 8, 2018. Therefore, this pleading is timely filed.

#### II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(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. Bloomfield's petition was deemed administratively complete in Order No. 2, issued on October 26, 2018; therefore, the 60 day deadline for administrative approval is December 27,

2018. Since the Commission is closed on that day, administrative approval must be rendered on or before December 21, 2018.

### **III. FINAL RECOMMENDATION**

Staff has reviewed Bloomfield's petition and, as supported by the attached memorandum of Jolie Mathis of the Water Utilities Division (Attachment A), Staff recommends that the petition be approved. The maps and digital data submitted by Bloomfield provide adequate information to demonstrate that Bloomfield satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l). Specifically, the petition shows that the property for which Bloomfield seeks expedited release is located in a qualifying county (Tarrant 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. Bloomfield 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**

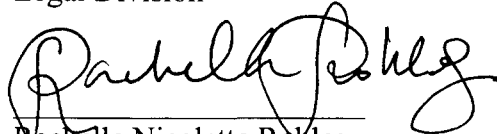
For the reasons stated above, Staff respectfully recommends that Bloomfield's petition be approved.

**Dated: November 8, 2018**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division



Rachelle Nicolette Robles  
State Bar No. 24060508  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7255  
(512) 936-7268 (facsimile)  
[rachelle.robles@puc.texas.gov](mailto:rachelle.robles@puc.texas.gov)

**DOCKET NO. 48707**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the November 8, 2018 in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

## **Attachment A**

## PUC Interoffice Memorandum

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**To:** Rachelle Robles, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Jolie Mathis, Engineering Specialist  
Water Utility Regulation Division

**Date:** November 8, 2018

**Subject:** **Docket No. 48707:** *Petition of Bloomfield Homes, L.P. to Amend Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County by Expedited Release*

On September 21, 2018, Bloomfield Homes, L.P. (or Petitioner) filed an application for expedited release from Johnson County Special Utility District's (Johnson County SUD) water Certificate of Convenience and Necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I), formerly § 24.113(I). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

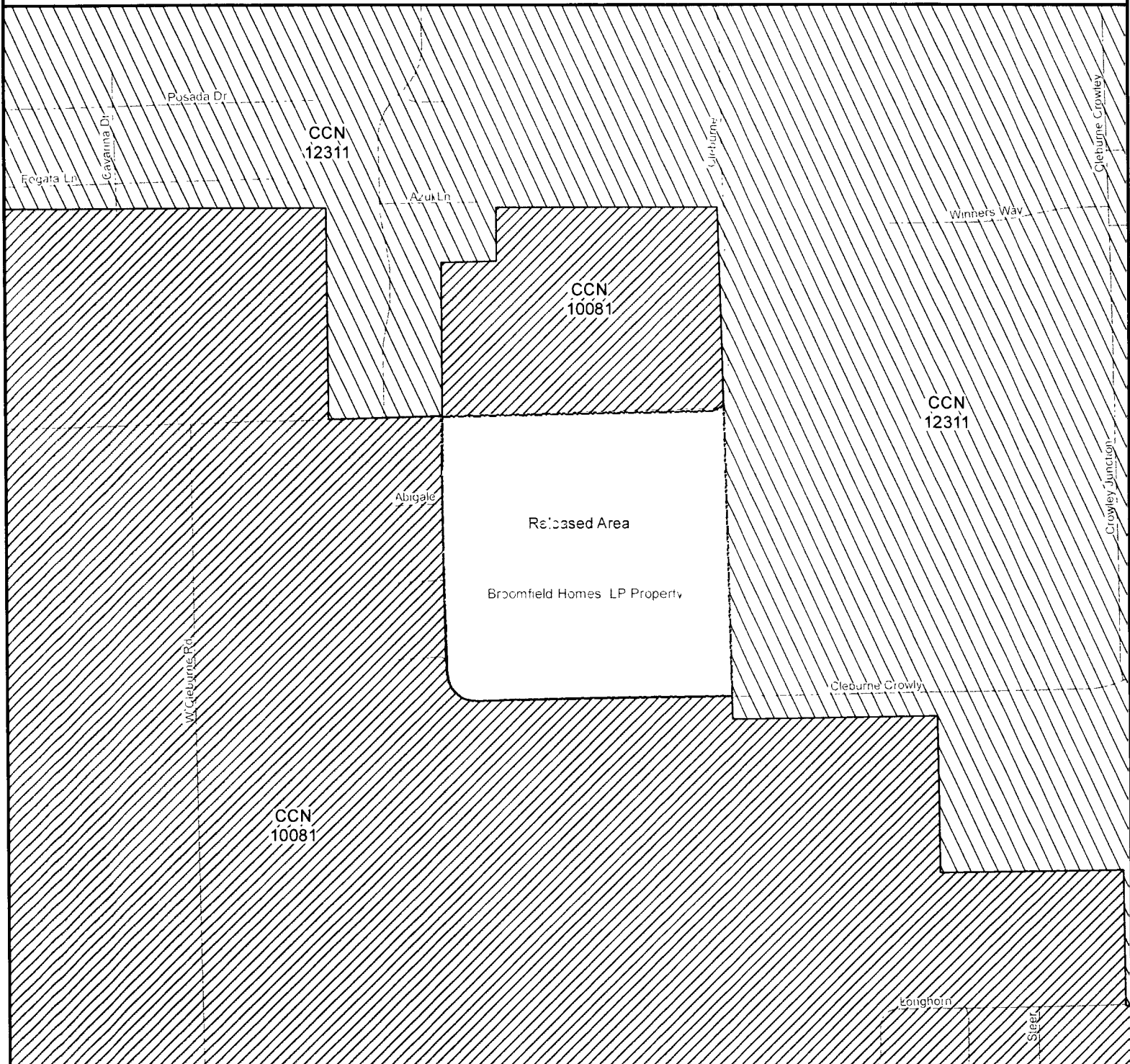
The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.257, formerly § 24.119. The map and digital data are sufficient for determining the locations of the requested release areas within Johnson County SUD'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. The area being requested for expedited release is approximately 100.2 acres. The petition also included a statement indicating a copy of the petition was sent via certified mail to Johnson County SUD, the current holder of CCN No. 10081, 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).

Staff is convinced the requested area does meet the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(I), formerly § 24.113(I). Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.




## **Attachment B**

Johnson County Special Utility District  
Portion of Water CCN No. 10081  
PUC Docket No. 48707  
Petition by Bloomfield Homes, LP to Amend  
Johnson County Special Utility District's CCN by Expedited Release in Tarrant County



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

**Water CCN**

-  10081 - Johnson County SUD
-  12311 - City of Fort Worth
-  10984 - City of Crowley

 Released Area

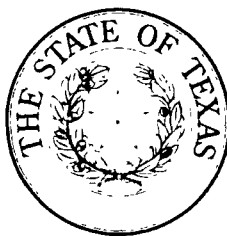
0 500 1,000  
Feet



Map by Komal Patel  
Date created October 24, 2018  
Project Path n:\finalmapping\  
48707JohnsonSUD.mxd



## **Attachment C**



# **Public Utility Commission of Texas**

## **By These Presents Be It Known To All That Johnson County Special Utility District**

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 Johnson County Special Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 10081**

to provide continuous and adequate water utility service to that service area or those service areas in Ellis, Hill, Johnson, and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48707 are on file at the Commission offices in Austin, Texas; and are 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 Johnson County Special Utility District 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.