



Control Number: 48707



Item Number: 8

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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
2018 DEC 20 PM 4:01
PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the petition of Bloomfield Homes, L.P. to amend Johnson County Special Utility District's water certificate of convenience and necessity (CCN) by expedited release. The Commission approves the petition and removes approximately 100.184 acres from Johnson County SUD's CCN.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Petitioner

1. Bloomfield is a domestic partnership registered with the Texas secretary of state on March 15, 2017, under file number 800386871.
2. Bloomfield owns approximately 100.184 contiguous acres of land located within the boundaries of Johnson County SUD's CCN number 10081 in Tarrant County.

Petition

3. On September 21, 2018, Bloomfield filed a petition for expedited release of the tract of land within Johnson County SUD's CCN number 10081 in Tarrant County.
4. Tarrant County has a population of over 1,000,000.
5. Bloomfield provided warranty deeds and location maps confirming ownership of the tract of land.
6. Donald J. Dykstra, president of Bloomfield, provided an affidavit signed on September 20, 2018, affirming that the tract of land is owned by Bloomfield, is more

than 25 acres, is not receiving water service, is subject to CCN number 10081, which is currently held by Johnson County SUD, and is located entirely in Tarrant County.

7. In Order No. 2 issued on October 26, 2018, the administrative law judge (ALJ) found the petition administratively complete.

Notice

8. On September 20, 2018, Bloomfield certified that it sent a true and correct copy of the petition via certified mail, return receipt requested, to Johnson County SUD.
9. Notice of the petition appeared in the October 12, 2018 issue of the *Texas Register*.
10. In Order No. 2 issued on October 26, 2018, the ALJ found the notice sufficient.

Water Service

11. There is no evidence that Johnson County SUD has committed or dedicated facilities or lines providing water service to the tract of land.
12. There is no evidence that Johnson County SUD has performed acts or supplied anything to the tract of land.
13. Johnson County SUD has not committed facilities or lines providing water service to the tract of land.
14. Johnson County SUD has not performed acts or supplied anything to the tract of land.
15. The tract of land is not receiving actual water service from Johnson County SUD.

Determination of Useless or Valueless Property

16. Johnson County SUD did not identify any property that is rendered useless or valueless by the decertification.

Informal Disposition

17. More than 15 days have passed since the completion of the notice in this docket.
18. Commission Staff and Bloomfield are the only parties to this proceeding.
19. No party requested a hearing and no hearing is needed.
20. The decision is not adverse to any party.

21. On November 8, 2018, Commission Staff recommended approval of the petition.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under Texas Water Code (TWC) § 13.254(a-5).
2. Notice of the petition was provided in compliance with 16 TAC § 24.245(l)(4)(A)(vi) and 16 Texas Administrative Code (TAC) § 22.54.
3. To obtain release under TWC § 13.254(a-5), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving water service.
4. Tarrant County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.245.
5. The tract of land is not receiving water service from Johnson County SUD, as that term has been defined by the Austin Court of Appeals,¹ in accordance with TWC § 13.254(a-5).
6. No property has been rendered useless or valueless by the decertification; therefore, under TWC § 13.254(d) through (g) no compensation is owed to Johnson County SUD.
7. Because no compensation is owed under TWC § 13.254(d) through (g), a retail public utility may render retail water service directly or indirectly to the public in the decertified area without providing compensation to Johnson County SUD.
8. Bloomfield has sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245 by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
9. The Commission processed the petition in accordance with the TWC, the Administrative Procedure Act,² and Commission rules.
10. Under TWC § 13.257(r) and (s), Johnson County SUD is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area,

¹ *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130, 140-41 (Tex. App.—Austin 2014, pet. denied).

² Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–.902.

in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.

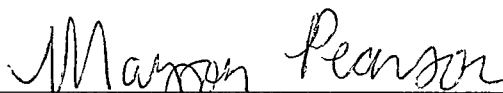
III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission grants the petition and removes the approximately 100.184-acre tract of land from Johnson County SUD's water CCN number 10081
2. The Commission amends Johnson County SUD's CCN number 10081 in accordance with this Notice.
3. The Commission's official service area boundary maps for Johnson County SUD will reflect this change, as shown on the attached map.
4. Johnson County SUD must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Tarrant County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

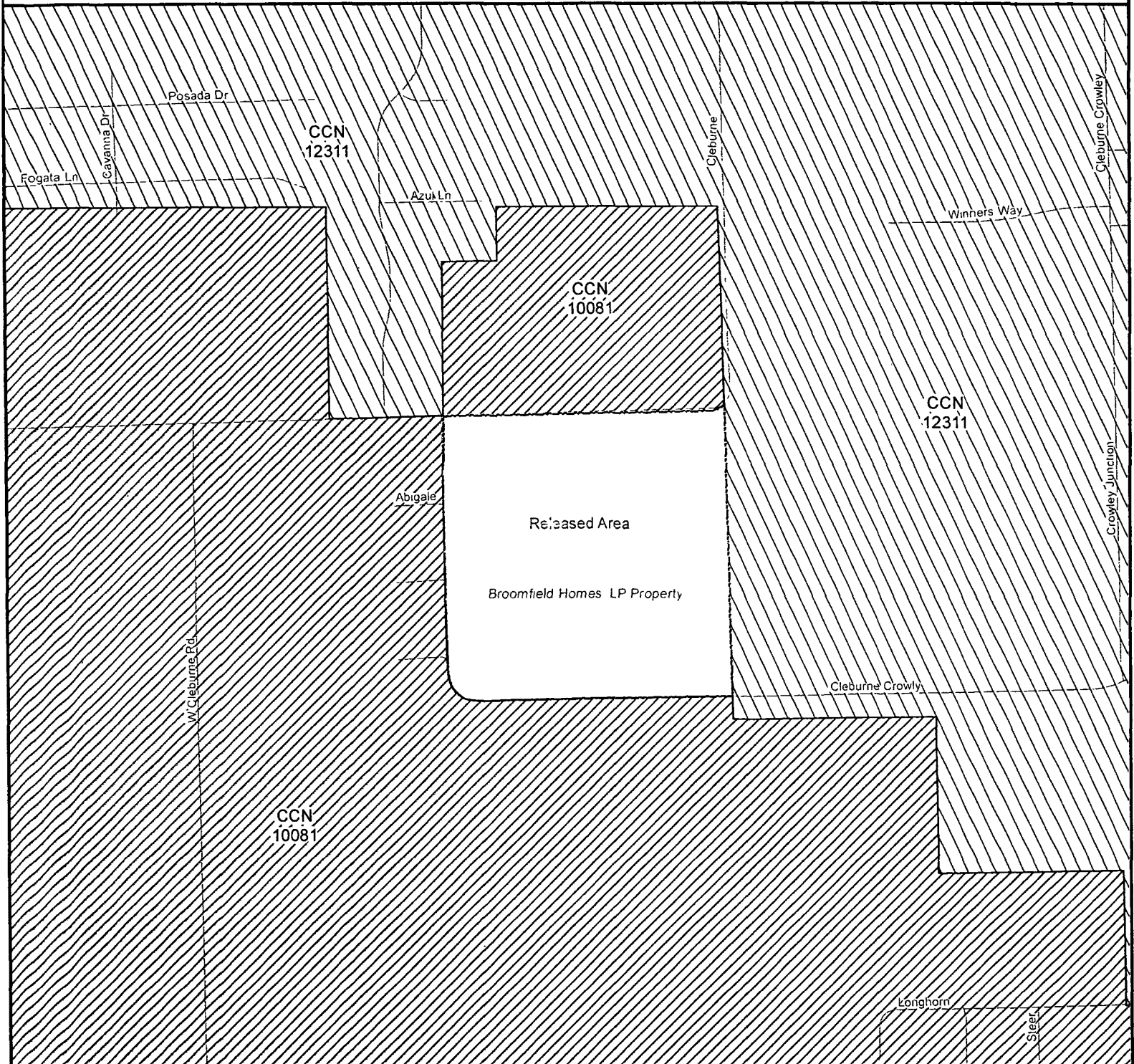
Signed at Austin, Texas the 20th day of December 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



MAYSON PEARSON
ADMINISTRATIVE LAW JUDGE

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

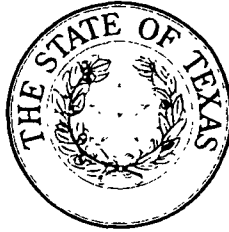
- 10081 - Johnson County SUD
- 12311 - City of Fort Worth
- 10984 - City of Crowley

Released Area

0 500 1,000
Feet



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



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 20th day of December 2018.