

Control Number: 48801



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PETITION OF T.J. BRADSHAW CONSTRUCTION, LTD. TO AMEND JONAH SPECIAL UTILITY DISTRICT'S CERTIFICATES OF CONVENIENCE AND NECESSITY IN WILLIAMSON COUNTY BY EXPEDITED RELEASE	§ § § § § § §	PUBLIC UTILITY COMMISSION 2018 DEC 18 AM 10:48 OF TEXAS FILED CLERK
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COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Recommendation on Final Disposition and would show the following:

I. BACKGROUND

On October 18, 2018, T.J. Bradshaw Construction, Ltd. (Petitioner) filed a petition with the Commission for expedited release from Jonah Special Utility District's (Jonah SUD) water Certificates of Convenience and Necessity (CCN) No. 10970 and sewer CCN No. 21053 pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I). On October 23, 2018, Petitioner amended its application.

Petitioner asserts that it owns 256.33 acres of contiguous property in Williamson County (the Property), located within the boundaries of Jonah SUD's water and sewer CCNs. Petitioner also asserts that the Property is not receiving water or sewer service.

On November 26, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, requiring Staff to file a final recommendation by December 21, 2018. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON FINAL DISPOSITION

As detailed in the attached memorandum from Patricia Garcia in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that Petitioner be granted an expedited release from Jonah SUD's water CCN only. Petitioner's property does not overlap Jonah SUD's sewer CCN area, and therefore cannot be granted an expedited release from Jonah SUD's sewer CCN.

III. CONCLUSION

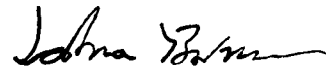
Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

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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 18, 2018 in accordance with 16 TAC § 22.74.



Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Engineering Specialist
Water Utility Regulation Division

Date: December 19, 2018

Subject: **Docket No. 48801:** *Petition of T.J. Bradshaw Construction, Ltd. to Amend Jonah Special Utility District's Certificates of Convenience and Necessity in Williamson County by Expedited Release*

On October 18, 2018, T.J. Bradshaw Construction, Ltd. (Bradshaw Construction or Petitioner) filed an application for expedited release from Jonah Special Utility District's (Jonah SUD) water Certificate of Convenience and Necessity (CCN) No. 10970 and sewer CCN 21053 in Williamson County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Williamson County, a qualifying county. The Petitioner requested release from both the water and sewer CCN area for Jonah SUD, however, the Petitioner's property does not overlap the sewer CCN area for Jonah SUD. Therefore, there is no need for Petitioner to be released from Jonah SUD's sewer CCN No. 21053.

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 Jonah 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 Jonah SUD's water CCN. The Petitioner's property does not overlap the sewer CCN area for Jonah SUD. Furthermore, the Petitioner provided warranty deeds confirming the Petitioners' ownership of the tracts of land within the Jonah SUD's water CCN area. 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 256.33 acres.

The petition also included a statement indicating a copy of the petition was sent via certified mail to Jonah SUD, the current holder of CCN No. 10970, on the date the petition was filed with the Commission.

Staff recommends that there is no useless or valueless property, in accordance with 24.245(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). Jonah SUD requested to intervene on November 16, 2018. The Commission granted Jonah SUD's motion to intervene on November 27, 2018.

Staff recommends that the Petitioner has met the Commission's requirements to allow for the release of the requested area from Jonah SUD's water CCN No. 10970 and recommends that the

Commission grant the Petitioner's release from Jonah SUD's water CCN **only**. A final map and certificate is attached for Commission approval.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Jonah 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, Jonah Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10970

to provide continuous and adequate water utility service to that service area or those service areas in Williamson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48801 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 Jonah 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.