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PETITION OF AIRW 2017-7, LP TO AMEND THE CITY OF MCKINNEY'S CCN IN COLLIN COUNTY BY EXPEDITED RELEASE	§ § § §	PUBLIC UTILITY COMMISSION
		OF TEXAS PUBLIC UTILITY COMMISSION FILING 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 support thereof, Staff shows the following:

I. BACKGROUND

On November 30, 2018, AIRW 2017-17, LP (AIRW) requested the expedited release of approximately 138 acres of land located within the boundaries of the City of McKinney's (McKinney) sewer Certificate of Convenience and Necessity (CCN) No. 20071 in Collin County, pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Admin. Code (TAC) § 24.245(I). AIRW asserts that the land is at least 25 contiguous acres, is not receiving sewer utility service, and is located in Collin County, which is a qualifying county. No formal deadline has been set for Staff's final recommendation, therefore this pleading is timely filed.

II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(I), 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. Applicant's petition was deemed administratively complete in Order No. 2, issued on January 4, 2019. Therefore, the 60 day deadline for administrative approval is March 5, 2019.

III. FINAL RECOMMENDATION

Staff has reviewed AIRW's petition and, as supported by the attached memorandum of Elisabeth English of the Water Utilities Division (Attachment A), Staff recommends that the

petition be approved. The map and digital data submitted by AIRW provide adequate information to demonstrate that AIRW satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l). Specifically, the petition shows that the property for which AIRW seeks expedited release is located in a qualifying county (Collin County), is not receiving sewer utility service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. AIRW 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 AIRW's petition be approved.

Dated: January 18, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



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DOCKET NO. 48935

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 18, 2019 in accordance with 16 TAC § 22.74.



Creighton R. McMurray

PUC Interoffice Memorandum

To: Creighton McMurray, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: January 17, 2019

Subject: **Docket No. 48935**, *Petition of AIRW 2017-7, LP to Amend the City of McKinney's Certificate of Convenience and Necessity in Collin County by Expedited Release*

On November 30, 2018, AIRW 2017-7, LP (AIRW or Petitioner) requested the expedited release of approximately 138 acres of land located within the boundaries of the City of McKinney's (McKinney) sewer Certificate of Convenience and Necessity (CCN) No. 20071 in Collin County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). AIRW asserts that the land is at least 25 acres, is not receiving sewer service, and is located in Collin County, which is a qualifying county.

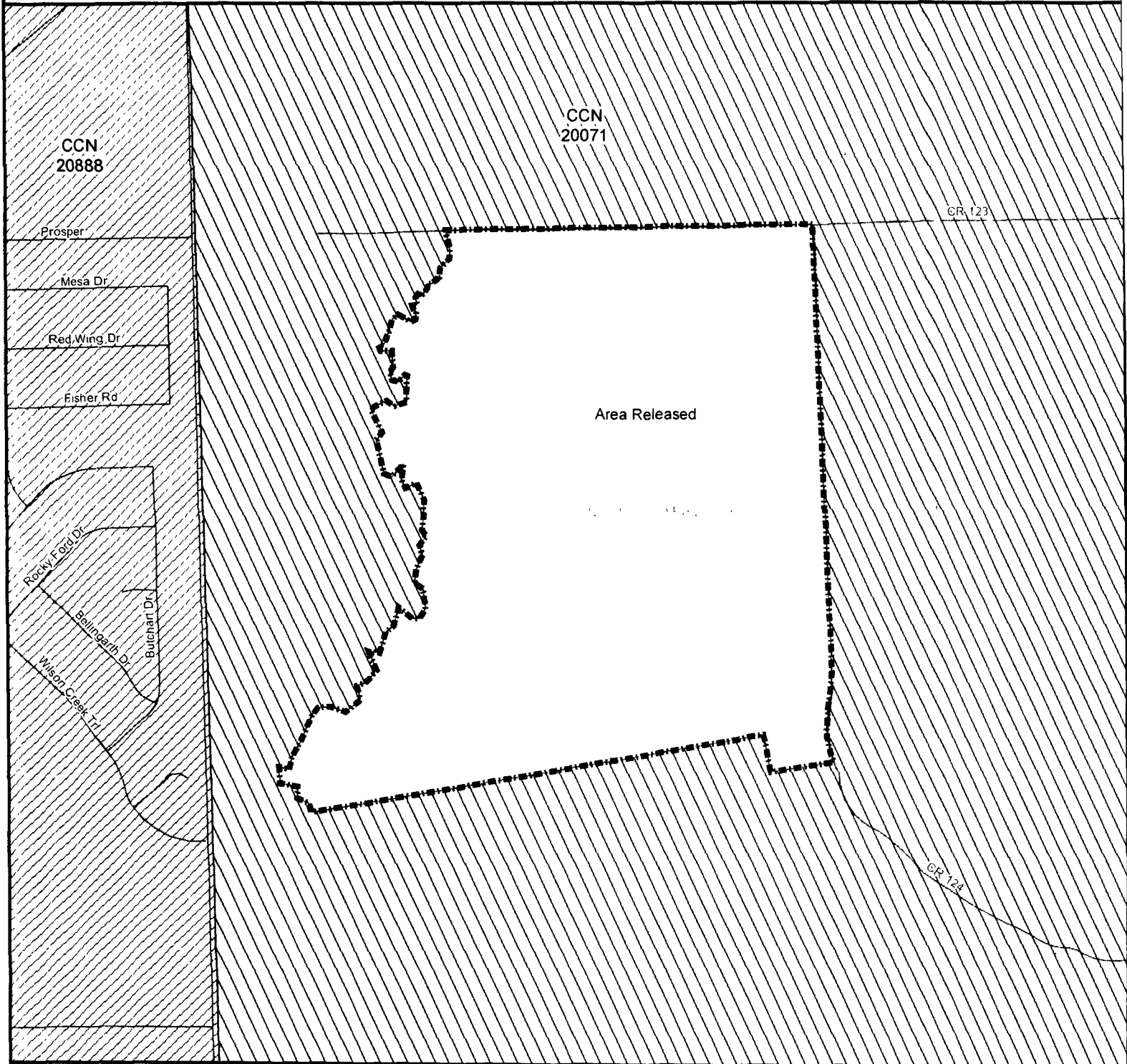
AIRW has provided an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.257 (formerly § 24.119). The map and digital data are sufficient for determining the location of the requested release area within McKinney'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, AIRW provided a deed confirming their ownership of the subject property. AIRW submitted a sworn affidavit attesting that the subject property was not receiving sewer utility service from McKinney. The area being requested for expedited release is approximately 138 acres.

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

McKinney filed a motion to intervene on January 2, 2019. The intervention request included a claim by McKinney that property would be rendered useless or valueless if the requested release is granted by the Commission. McKinney demonstrated that there are facilities in close proximity of the subject property, but not that there are facilities that currently serve the subject property. Therefore, Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 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 16 TAC § 24.245(n)(7).



In accordance with TWC § 13.254(a-5) and 16 TAC § 24.245(1) AIRW has met the Commission's requirements to allow for the release of the requested area from McKinney's CCN No. 20071. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.


City of McKinney
Portion of Sewer CCN No. 20071
PUC Docket No. 48935
Petition by AIRW 2017-7, LP to Amend
City of McKinney's CCN by Expedited Release in Collin County

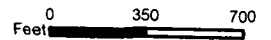


Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

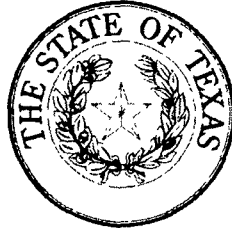
Sewer CCN

-  20071 - City of McKinney
-  20888 - City of Prosper

-  Property Boundary
-  Area Released



Map by Komal Patel
 Date created January 16, 2019
 Project Path: n:\finalmapping\
 48935CityofMcKinney.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of McKinney

having obtained certification to provide sewer 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 City of McKinney is entitled to this

Certificate of Convenience and Necessity No. 20071

to provide continuous and adequate sewer utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48935 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 City of McKinney 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.