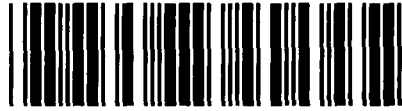


Control Number: 48975



Item Number: 2

Addendum StartPage: 0

48975

DOCKET NO. 48700

PETITION OF DENTON SORRELLS, §
LLC TO AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN DENTON §
COUNTY BY EXPEDITED RELEASE §
§

RECEIVED
2018 DEC 14 11:18 AM
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

ORDER NO. 3
GRANTING MOTION TO SEVER

DOCKET NO. 48975

PETITION OF PUNKADILLY, LTD. TO § PUBLIC UTILITY COMMISSION
AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN DENTON §
COUNTY BY EXPEDITED RELEASE §
§

ORDER NO. 1
MOTION TO SEVER

This Order addresses the motion to sever jointly filed by Denton Sorrells, LLC and Punkadilly, LTD. on December 3, 2018.

On September 19, 2018, Denton Sorrells, LLC and Punkadilly, LTD jointly filed a petition with the Commission for expedited release of two tracts of land from the service area of Aqua Texas, Inc. under certificate of convenience and necessity (CCN) number 13201 in Denton County under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1) (which section was subsequently repealed and readopted at 16 TAC § 24.245(1)). Denton Sorrells owns a tract of land that is approximately 324 acres and Punkadilly owns a tract of land that is approximately 62 acres. Both tracts are located within the boundaries of Aqua's service area.

In Order No. 2, the petition was found to be incomplete and deficient and Denton Sorrells and Punkadilly were ordered to cure the deficiencies on or before November 19, 2018.

Commission Staff was directed to file a supplemental recommendation regarding administrative completeness on or before December 19, 2018. Denton Sorrells and Punkadilly were ordered not to issue notice of the petition until such time that the petition is found to be administratively complete. Under 16 TAC § 24.8(d), a petition is not considered to be filed until the Commission makes a determination that the petition is administratively complete.

On December 3, 2018, Denton Sorrells and Punkadilly jointly filed a motion to sever the joint petition into two separate petitions: one for the 324-acre tract of land owned by Denton Sorrells and the other for the 62-acre tract of land owned by Punkadilly. An amended petition for the tract of land owned by Denton Sorrells and a separate petition for the tract of land owned by Punkadilly were attached to the motion to sever. On December 6, 2018, Commission Staff filed a response to the motion to sever in which it agreed that processing the two petitions in separate dockets would be appropriate.

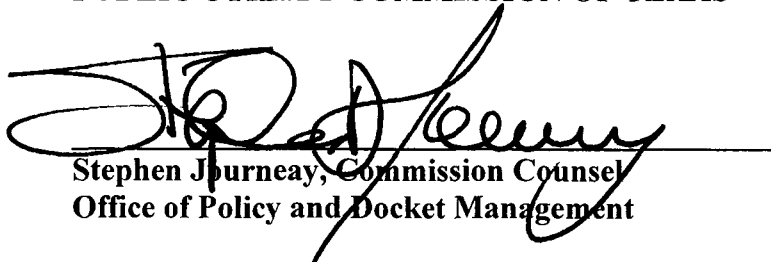
A severance may be granted if severance would serve the interest of efficiency or prevent unwarranted expense and delay and the applicant's ability to present its case and other person's ability to respond to the applicant's case would not be unduly prejudiced. A single petition under 16 TAC § 24.245(1) for two separate tracts of land owned by different entities is not contemplated under that rule or TWC § 13.254(a-5). Processing an improper petition would not be efficient and would cause additional unwarranted expense and delay. Accordingly, the Commission issues the following orders:

1. The motion to sever is granted.
2. The amended petition of Denton Sorrells will be processed in Docket No. 48700.
3. Docket No. 48700 is restyled as *Petition of Denton Sorrells, LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release*.
4. Commission Staff must file a recommendation regarding administrative completeness of Denton Sorrells' amended petition on or before December 19, 2018. If additional time is required to conduct a review of this amended petition and prepare a recommendation, Commission Staff must file a request for additional time on or before December 19, 2018.

5. Denton Sorrells may not issue notice of the amended petition until such time that the amended petition is found to be administratively complete.
6. The petition of Punkadilly will be process in Docket No. 48975, *Petition of Punkadilly, Ltd. to Amend Aqua Texas, Inc. 's Certificate of Convenience and Necessity in Denton County by Expedited Release.*
7. Commission Staff must file a recommendation regarding administrative completeness of Punkadilly's petition on or before December 19, 2018. If additional time is required to conduct a review of this petition and prepare a recommendation, Commission Staff must file a request for additional time on or before December 19, 2018.
8. Punkadilly may not issue notice of its petition until such time that the petition is found to be administratively complete.
9. Central Records must duplicate and file in Docket No. 48975 this Order and the petition of Punkadilly attached to the motion to sever filed on December 3, 2018 in Docket No. 48700.
10. All pleadings, orders, and other items filed in Docket No. 48700 before the date of this Order are and continue to be part of the administrative record in Docket No. 48975 but, except for Punkadilly's petition, must not be duplicated and filed in Docket No. 48975.

Signed at Austin, Texas the 14th day of December 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



Stephen Journeay, Commission Counsel
Office of Policy and Docket Management

PUC DOCKET NO. 48975

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

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

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, PUNKADILLY, LTD ("Petitioner") and files 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

Petitioner owns approximately 61.58 acres of contiguous property in Denton County (the “Property”). The Property is within the boundaries of water CCN No. 13201, held by Aqua. The Property does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A map showing the location of the Property is attached hereto as Exhibit “B.” A deed showing ownership of the Property is attached hereto as Exhibit “C.”

III. CONCLUSION AND PRAYER

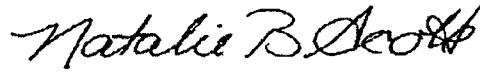
Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and are entirely within Denton County. Under Section 13.254(a-6), the PUC should grant this Petition no later 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 Property that are within the boundaries of water CCN No. 13201.

³ 16 Tex. Admin. Code § 24.113(l)

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 PETITIONER
PUNKADILLY, LTD.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 2018, a true and correct copy of the Petition by 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

PUC – Legal Division
Margaret Uhlig Pemberton, Division Director
Katherine Lengieza Gross, Managing Attorney
Skyler Springsteen Collins
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711 -3326
Fax: (512) 936-7268

Via Email: Skyler.Collins@puc.texas.gov



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.



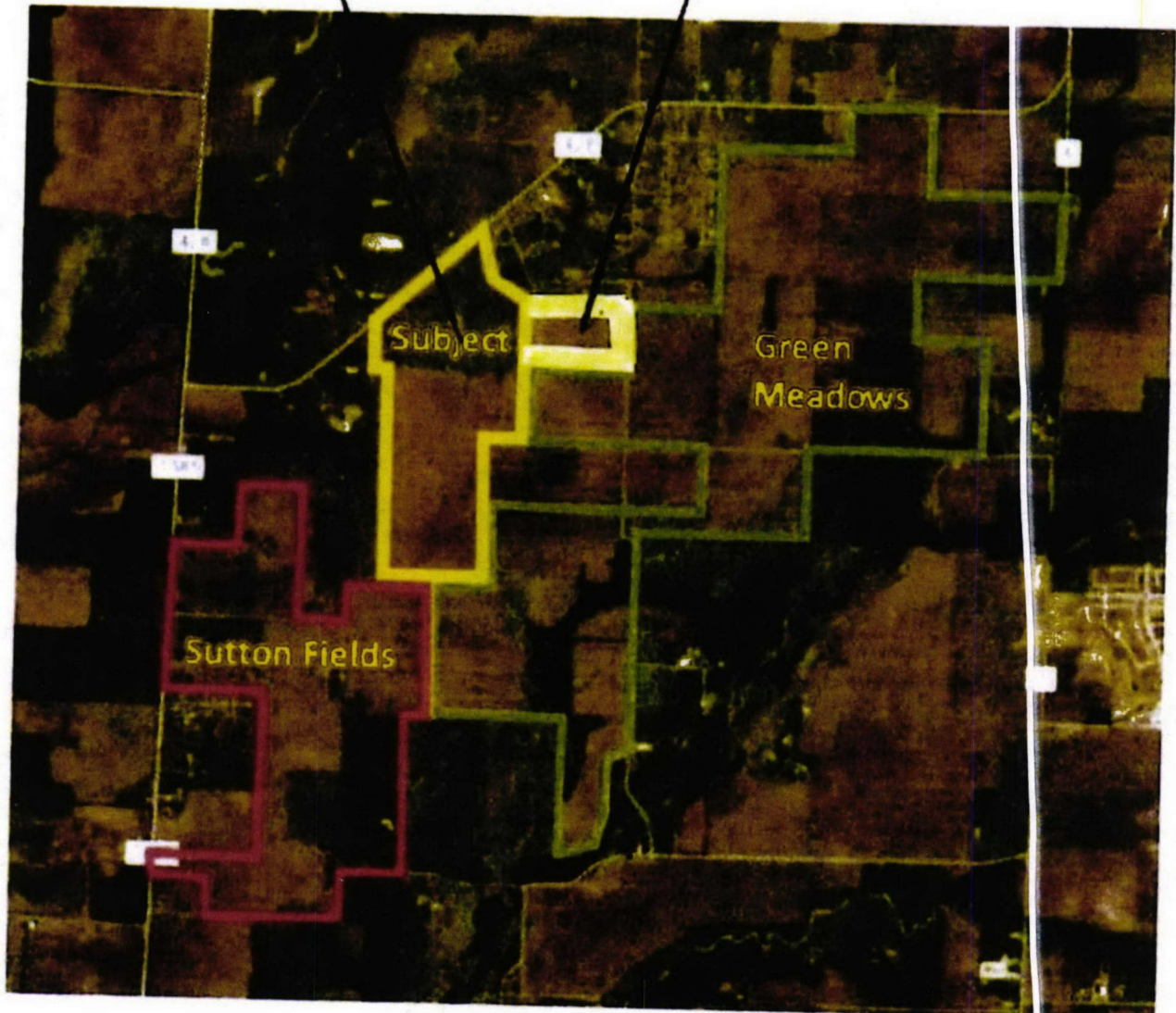
[Signature]
Notary Public, State of Texas

EXHIBIT "B"

Map and Survey – Punkadilly, Ltd.

Dentam Sorrells
324 acres

Punkadilly
62 acres





9000

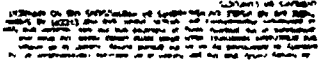
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/27/00 BY 60322

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-07-2008 BY 60322

STYL. BARNUM HALLON
HALL & THE ASSOCIATES
LIVE, NEW YORK

[illegible]

All that certain tract or parcel of land lying and being situated in Denton County, Texas, a part of the Texas & Pacific Railway Survey, Abstract No. 1299, and being and including all that same tract said to contain 61.58 acres, more or less, as described in a deed in Cadwin Family Investments, Ltd., recorded under Clerk's File No. 04-0035436, said tract or parcel of land is herein described as follows, to wit:

BEGINNING at an 1/2 inch iron rod set in Smiley Road (a County Road running in a Northerly and Southerly direction) for the Northeast corner of said Texas & Pacific Railway Survey and the Northeast corner of the premises herein described, said corner being the Southeast corner of WILLOW WOOD, an addition to Denton County according to the plat thereof recorded in Cabinet M, page 160 of the Denton County Plat Records, an 1/2 inch iron rod found for witness bears North 89 degrees 44 minutes 31 seconds West 27.58 feet;
 THENCE with Smiley Road and the East line of said Texas & Pacific Railway Survey, South 00 degrees 30 minutes 10 seconds West 1521.48 feet to an 1/2 inch iron rod found for corner, said corner being the Northeast corner of a record 82.35 acre tract described in a deed in Selina Sorel, et al recorded under Clerk's File No. 04-0005475;
 THENCE North 89 degrees 23 minutes 27 seconds West at 28.05 feet passing an 1/2" iron rod set for witness on the West margin of Smiley Road and in all a total distance of 2040.69 feet to a 3/4 inch iron rod found for the Northwest corner of said 82.35 acre tract and the Southeast corner hereof;
 THENCE North 01 degrees 05 minutes 30 seconds East 18.26 feet to an 1/2 inch iron rod found for corner, same being an angle point in the East line of a record 324.61 acre tract described in a Deed to Nita A. Sorrells, recorded in Volume 4361, Page 1 of the Real Property Records of Denton County;
 THENCE North 00 degrees 44 minutes 22 seconds East 856.17 feet to an 1/2 inch iron rod found at an angle point of said 324.61 acre tract;
 THENCE North 00 degrees 43 minutes 49 seconds East 435.74 feet to an 1/2 inch iron rod found for corner on the North line of said Texas & Pacific Railway Survey, said corner being a Northeast corner of said 324.61 acre tract, said corner also being the Southwest corner of said WILLOW WOOD addition;
 THENCE along the South line of WILLOW WOOD addition, South 89 degrees 44 minutes 31 seconds East a distance of 2035.25 feet to the Place of BEGINNING and containing 61.57 acres of land

FLOOD INFORMATION: The property shown hereon is not situated in a designated special flood hazard area per FEMA Map No. 48121C0290, dated 4/2/97.

I do hereby certify that the plat hereon is an accurate representation of the property as determined by an on the ground survey subject to all written and prescriptive easements which affect same unless noted the lines and dimensions of the property being as indicated and the size, location and type of permanent improvements are correctly shown, and that EXCEPT AS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS AND NO APPARENT OVERLAPS OR CONFLICTS.

DATE SEPTEMBER 27, 2004

James E. Smith
 JAMES E. SMITH
 Registered Professional Land Surveyor No. 3770



SURVEY 61.57 ACRE TRACT T & P RAILWAY SUR A-1299 DENTON COUNTY, TEXAS	
SCALE 1" = 200'	DATE 9/27/04
REVISED	W.O. 3850-3000WYN
<p align="center"> J.E. Smith, * Land Surveyor Registered Professional Land Surveyor </p>	

1207 LC
 KENDALL
 1302 DR

DN
 791

EXHIBIT "C"

Special Warranty Deed – April 25, 2011 –
HIJO, Ltd. and One Longhorn Land I, L.P. to Punkadilly, Ltd.

GF# FNT 1912500699

AFTER RECORDING, RETURN TO:

Punkadilly, Ltd.
5921 Turtle Creek Drive
Plano, Texas 75093

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

SPECIAL WARRANTY DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS.

COUNTY OF DENTON

That **HJO, LTD**, a Texas limited partnership, and **ONE LONGHORN LAND I, L.P.**, a Texas limited partnership, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand to Grantor paid by **PUNKADILLY, LTD**, a Texas limited partnership, hereinafter referred to as Grantee, whose mailing address is 5921 Turtle Creek Drive, Plano, Texas 75093, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is hereby also acknowledged, HAVE GRANTED, SOLD AND CONVEYED and do by these presents GRANT, SELL AND CONVEY unto the said Grantee all the following described real property ("Property"), to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

DEED
S-Hjo & One Longhorn to Punkadilly-6-57 ac. cash-Denton-191250069 ucc

Page 1

Together with all rights, privileges, and appurtenances pertaining thereto, including, but not limited to, water rights, claims, permits, strips and gores, easements, and cooperative or association memberships.

Grantor reserves for Grantor, Grantor's heirs, successors and assigns, an undivided one-half (1/2) interest in and to all remaining oil, gas and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

This conveyance is made and accepted subject to the following:

- a. Oil and gas lease recorded in Volume 320, Page 347, and Volume 407, Page 362, Real Property Records of Denton County, Texas.
- b. Overhead electrical lines along the East boundary line as shown on survey dated September 27, 2004 by James E. Smith, RPLS #3700.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, successors and assigns forever

And Grantor does hereby bind Grantor, Grantor's successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same of any part thereof, by, through or under Grantor, but not otherwise.

Current ad valorem taxes on said Property have been prorated and the payment thereof is assumed by the Grantee

EXECUTED on the dates of the acknowledgments set out below, to be effective, however, on April 25, 2011

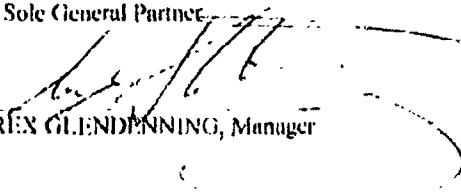
HUJO, L.P., a Texas limited partnership

By: JOH, L.L.C., a Texas limited liability company, its General Partner

By: 
JOSEPH HICKMAN, Secretary

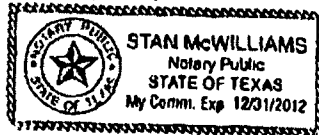
ONE LONGHORN LAND I, L.P.,
a Texas limited partnership

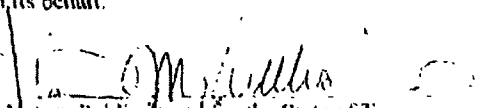
By: **ONE LONGHORN LAND, L.L.C.,**
a Texas limited liability company, its
Sole General Partner

By: 
REX GLENDENNING, Manager

STATE OF TEXAS
COUNTY OF COLLIN

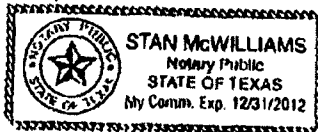
This instrument was acknowledged before me on the 28th day of April, 2011, by
JOSEPH HICKMAN, Secretary of **JOHI, L.L.C.**, a Texas limited liability company, General
Partner **HJO, LTD**, a Texas limited partnership, on its behalf.

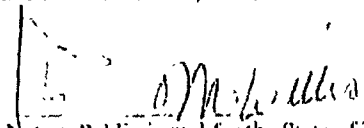



Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF COLLIN

This instrument was acknowledged before me on the 28th day of April, 2011, by **REX
GLENDENNING**, Manager of **ONE LONGHORN LAND, L.L.C.**, a Texas limited liability
company, Sole General Partner of **ONE LONGHORN LAND I, L.P.**, a Texas limited
partnership, on its behalf.




Notary Public in and for the State of Texas

PREPARED IN THE LAW OFFICE OF
McWILLIAMS & THOMPSON
2713 Virginia Parkway, Suite 100
McKinney, Texas 75071

EXHIBIT "A"

All that certain tract or parcel of land lying and being situated in Denton County, Texas, a part of the Texas & Pacific Railway Survey, Abstract No. 1299, and being and including all that same tract said to contain 61.58 acres, more or less, as described in a deed to Godwin Family Investments, Ltd., recorded under Clerk's File No. 04-0035436, said tract or parcel of land is herein described as follows, to wit:

- BEGINNING at an 1/2 inch iron rod set in Smiley Road (a County Road running in a Northerly and Southerly direction) for the Northeast corner of said Texas & Pacific Railway Survey and the Northeast corner of the premises herein described, said corner being the Southeast corner of WILLOW WOOD, an addition to Denton County according to the plat thereof recorded in Cabinet M, page 260 of the Denton County Plat Records, an 1/2 inch iron rod found for witness bears North 89 degrees 44 minutes 31 seconds West 27.56 feet;
- THENCE with Smiley Road and the East line of said Texas & Pacific Railway Survey, South 00 degrees 30 minutes 10 seconds West 1321.66 feet to an 1/2 inch iron rod found for corner, said corner being the Northeast corner of a record 62.35 acre tract described in a deed to Sekine Saraj, et al, recorded under Clerk's File No. 04-0005473;
- THENCE North 89 degrees 25 minutes 27 seconds West at 28.05 feet passing an 1/2 inch iron rod set for witness on the West margin of Smiley Road and in all a total distance of 2040.69 feet to a 3/4 inch iron rod found for the Northwest corner of said 62.35 acre tract and the Southeast corner hereof;
- THENCE North 01 degrees 05 minutes 30 seconds East 18.26 feet to an 1/2 inch iron rod found for corner, same being an angle point in the East line of a record 324.61 acre tract described in a Deed to Rita A. Sorrells, recorded in Volume 4381, Page 1 of the Real Property Records of Denton County;
- THENCE North 00 degrees 44 minutes 22 seconds East 856.37 feet to an 1/2 inch iron rod found at an angle point of said 324.61 acre tract;
- THENCE North 00 degrees 43 minutes 49 seconds East 435.74 feet to an 1/2 inch iron rod found for corner on the North line of said Texas & Pacific Railway Survey, said corner being a Northeasterly corner of said 324.61 acre tract, said corner also being the Southwest corner of said WILLOW WOOD Addition;
- THENCE along the South line of WILLOW WOOD addition, South 89 degrees 44 minutes 31 seconds East a distance of 2035.25 feet to the Place of BEGINNING and containing 61.57 acres of land.