



Control Number: 48975



Item Number: 7

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<b>PETITION OF PUNKADILLY, LLC TO AMEND AQUA TEXAS, INC.'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY EXPEDITED RELEASE</b>	§ § § § § § §	<b>PUBLIC UTILITY COMMISSION 56</b>  2019 JAN 22 AM 9:56 PUBLIC UTILITY COMMISSION OF TEXAS REG. CLERK
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### COMMISSION STAFF'S FINAL RECOMMENDATION

**COMES NOW** the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 3, files this Final Recommendation. In support thereof, Staff shows the following:

#### I. BACKGROUND

On September 19, 2018, and as amended on December 3, 2019 Punkadilly, LLC filed a petition with the Commission for expedited release 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Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1) (which section was subsequently repealed and readopted at 16 TAC § 24.245(1)). Punkadilly owns a tract of land that is approximately 62 acres and is located within the boundaries of Aqua's service area. On January 18, 2019, Order No. 3 was issued and established a deadline of January 24, 2019, for Staff to file a final recommendation. Therefore, this pleading is timely filed.

#### II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(1), 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

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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 Applicant's petition and, as supported by the attached memorandum of Elizabeth English of the Commission's Water Utilities Division (Attachment A), Staff recommends that the petition be approved. The maps and digital data submitted by Applicant provide adequate information to demonstrate that Applicant satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(1). Specifically, the petition shows that the property for which Applicant seeks expedited release is located in a qualifying county (Denton 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. Applicant 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**

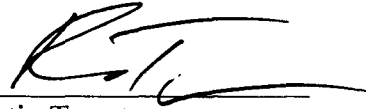
For the reasons stated above, Staff respectfully recommends that Applicant's petition be approved.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
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**DOCKET NO. 48975**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the January 23, 2019 in accordance with 16 TAC § 22.74.



Rustin Tawater

## **ATTACHMENT A**

## PUC Interoffice Memorandum

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**To:** Rustin Tawater, Attorney  
Legal Division

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

**From:** Elisabeth English, Engineering Specialist  
Water Utility Regulation Division

**Date:** January 23, 2018

**Subject:** **Docket No. 48975**, *Petition of Punkadilly, LTD to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release.*

On September 19, 2018 Denton Sorrells, LLC (Denton Sorrells) and Punkadilly, LTD (Punkadilly) (collectively "Petitioners") filed a petition requesting the expedited release of approximately 386 acres of land located within the boundaries of Aqua Texas, Inc.'s (Aqua) water certificate of convenience and necessity (CCN) No. 13201 in Denton County. The petition was assigned Docket No. 48700. On December 3, 2018, the Petitioners filed a request to sever the expedited release filed in 48700 into two separate petitions due to the request involving two landowners. On December 14, 2018, the request to sever was granted. The above referenced docket is for the release of property owned by Punkadilly located within the boundaries of Aqua's CCN. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) TAC § 24.245(l). Punkadilly asserts that the land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

Punkadilly 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 Aqua'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, Punkadilly provided a deed confirming the Petitioner's ownership of the subject property. Punkadilly submitted a sworn affidavit attesting that the subject property was not receiving water utility service from Aqua. The area being requested for expedited release is approximately 62 acres.

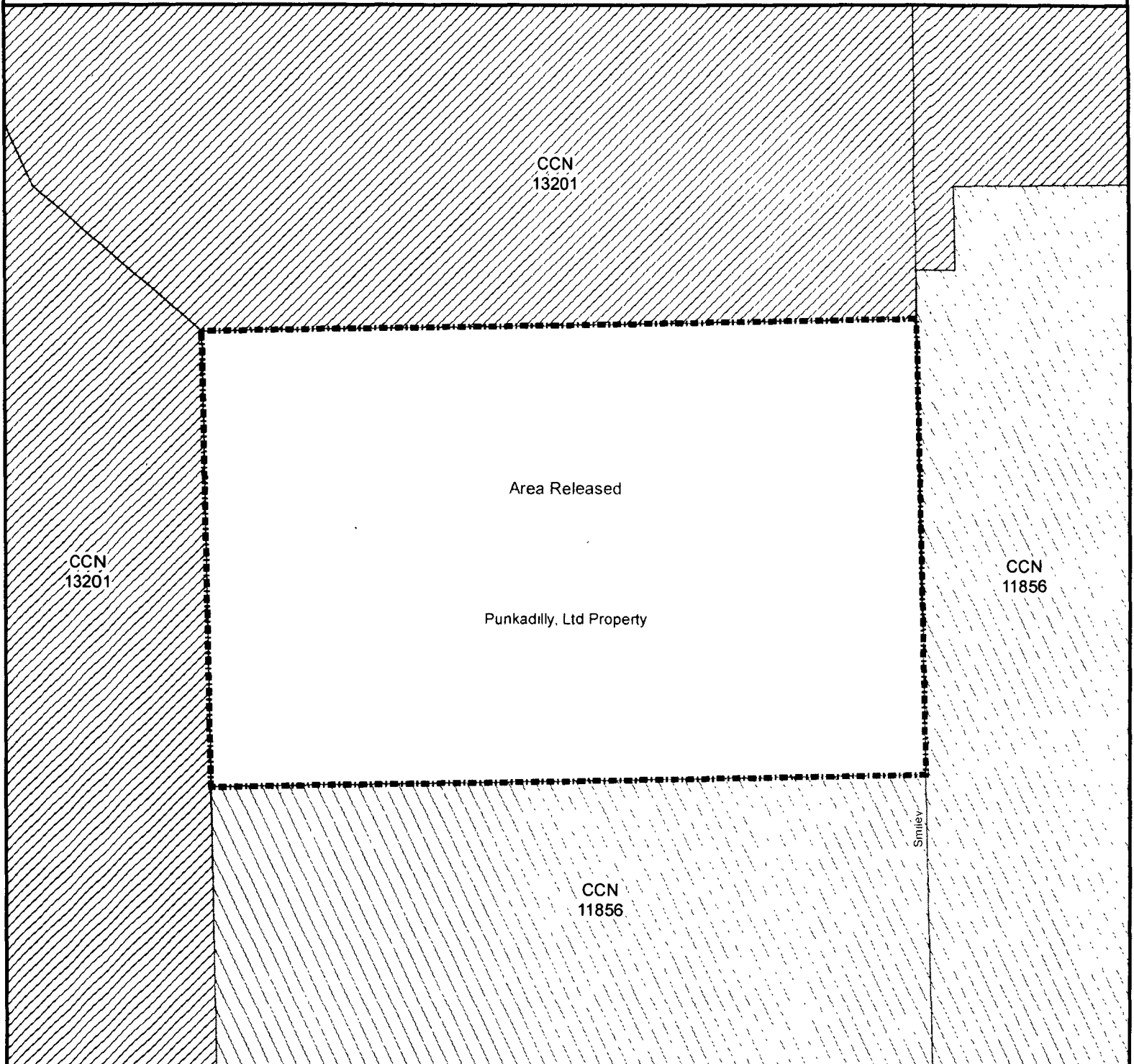
The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to Aqua.

Order No. 2 gave an intervention deadline of January 11, 2019. Staff recommends that there is no useless or valueless property, in accordance with 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 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 Aqua's CCN No. 13201. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.



## **ATTACHMENT B**

Aqua Texas, Inc.  
Portion of Water CCN No. 13201  
PUC Docket No. 48975  
Petition by Punkadilly, LTD to Amend  
Aqua Texas, Inc.'s CCN by Expedited Release in Denton County



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

**Water CCN**

-  13201 - Aqua Texas Inc
-  11856 - Mustang SUD

-  Area Released
-  Property Boundary

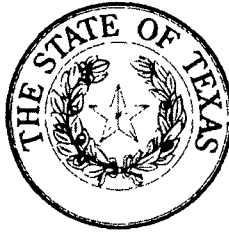
0 200 400  
Feet



Map by: Kornal Patel  
Date created: January 14, 2019  
Project Path: n:\finalmapping\  
48975AquaTX.mxd



## **ATTACHMENT C**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**Aqua Texas, Inc.**

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 Aqua Texas, Inc., is entitled to this

## **Certificate of Convenience and Necessity No. 13201**

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, Marion, McLennan, Parker, Smith, Somervell, Tarrant, Taylor, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48975 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 Aqua Texas, Inc. 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.