



Control Number: 49359



Item Number: 8

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**DOCKET NO. 49359**

**PETITION OF TEXAS 903 PARTNERS  
LP TO AMEND THE CITY OF  
CRANDALL'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
KAUFMAN COUNTY BY EXPEDITED  
RELEASE**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**  
FILING CLERK

2019 JUL 5 PM 1:29

**NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of Texas 903 Partners LP, requesting the streamlined expedited release of approximately 320 acres of land located within the boundaries of the City of Crandall's water certificate of convenience and necessity (CCN) number 11295 in Kaufman County. The Commission grants the release of the requested area.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Texas 903 Partners is a domestic limited partnership registered with the Texas secretary of state on July 26, 2018, under file number 803077561.
2. Texas 903 Partners owns an approximately 320-acre tract of land located within the boundaries of the City of Crandall's water CCN number 11295 in Kaufman County.

**Petition**

3. On March 20, 2019, Texas 903 Partners filed a petition for expedited release of a parcel of land consisting of 320 acres from the City of Crandall's CCN number 11295. The petition included a supporting affidavit from Patrick E. Sessions, President of Texas 903 Partners, attesting to the truth of the facts alleged in the petition.
4. In the petition, Texas 903 Partners asserts that it owns the tract of land and that the tract is more than 25 acres, is not receiving water service, and is within the boundaries of Kaufman County, a qualified county.
5. Texas 903 Partners provided a warranty deed, confirming ownership of the tract of land, and maps, confirming the land's location.

6. The tract of land is within Crandall's service area for CCN number 11295.
7. In Order No. 2, issued on April 23, 2019, the administrative law judge (ALJ) found the petition administratively complete.

**Notice**

8. Texas 903 Partners sent a true and correct copy of the petition, via certified mail, to Crandall on March 19, 2019.
9. In Order No. 2, issued on April 23, 2019, the ALJ found the notice sufficient.

**Intervention**

10. Crandall did not seek to intervene in this proceeding.

**Water Service**

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

**Determination of Useless or Valueless Property**

16. There is no evidence that Crandall owns any property that will be 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. Texas 903 Partners and Commission Staff are the only parties to this proceeding.
19. No person filed a protest or motion to intervene.
20. No party requested a hearing and no hearing is necessary.
21. Commission Staff recommended approval of the petition.
22. The decision is not adverse to any party.

## II. Conclusions of Law

The Commission makes the following 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 Texas Administrative Code (TAC) §§ 22.55 and 24.245(l).
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. Kaufman County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.245(l).
5. The tract of land is not receiving water service from Crandall in accordance with TWC § 13.254(a-5).
6. Because Crandall did not intervene in this case, it can be presumed that no property has been rendered useless or valueless by the decertification; therefore, under TWC § 13.254(d) through (g) and 16 TAC § 24.245(n)(3), no compensation is owed to Crandall.
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 Crandall.
8. Texas 903 Partners has satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l) 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,<sup>1</sup> and Commission rules.
10. Under TWC § 13.257(r) and (s), Crandall is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the

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<sup>1</sup> Tex. Gov't Code ch. 2001.

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.

11. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.


### 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 320-acre tract of land owned by Texas 903 Partners from the City of Crandall's water CCN number 11295 in Kaufman County.
2. The Commission's official service area boundary maps for Crandall's CCN will reflect this change as shown on the attached map.
3. Crandall must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Kaufman County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
4. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 5<sup>th</sup> day of June 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
**STEVEN LEARY**  
**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission of Texas

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

## **City of Crandall**

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, City of Crandall is entitled to this

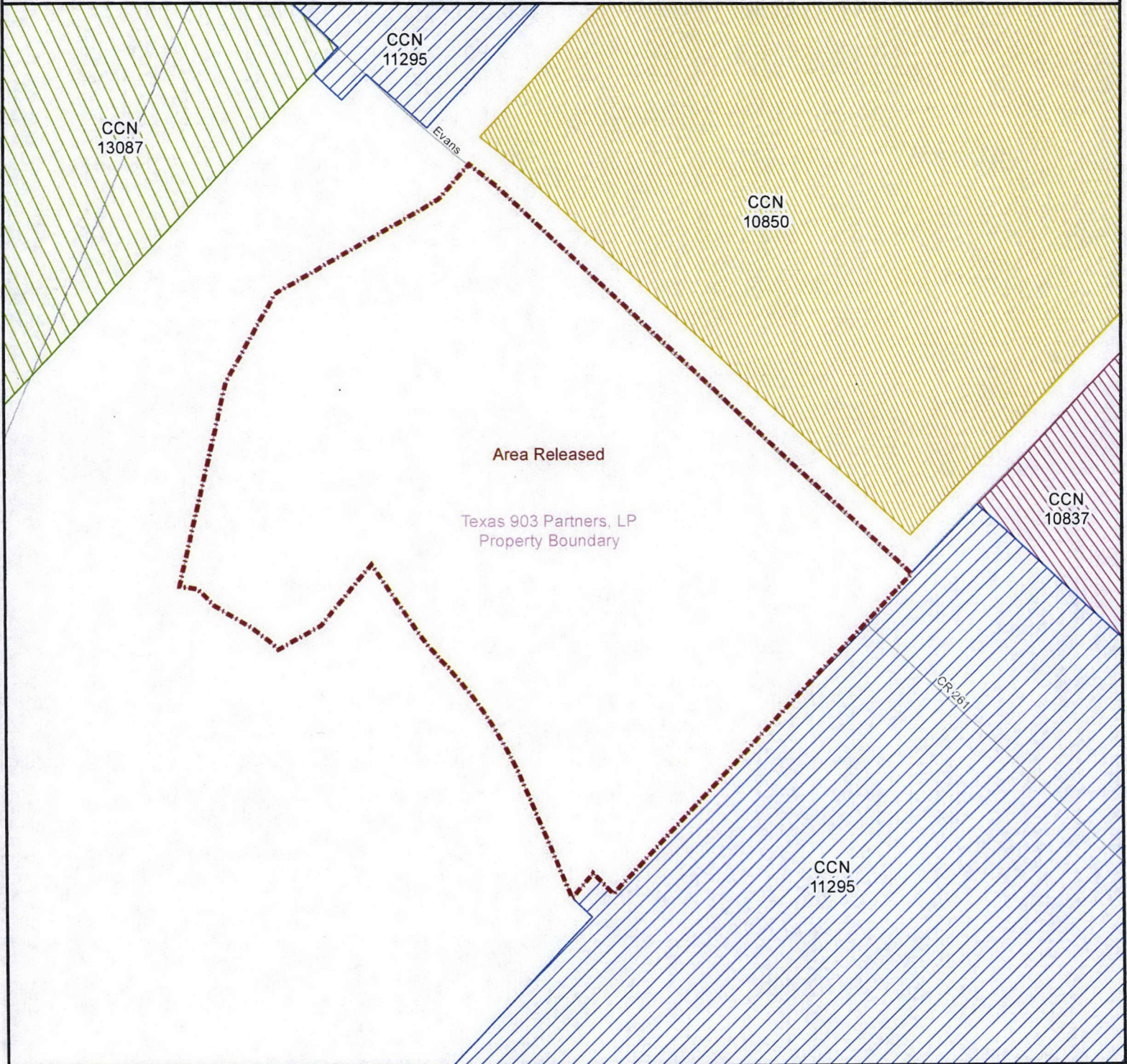
### **Certificate of Convenience and Necessity No. 11295**

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 49359 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 City of Crandall 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 5th day of June 2019.



City of Crandall  
 Portion of Water CCN No. 11295  
 PUC Docket No. 49359  
 Petition by Texas 903 Partners, LP to Amend  
 City of Crandall's CCN by Expedited Release in Kaufman County



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

**Water CCN**

-  11295 - City of Crandall
-  13087 - Kaufman County MUD 12
-  10850 - Talty WSC
-  10837 - Gastonia Scurry SUD



Area Released



Property Boundary

0 500 1,000  
 Feet



Map by: Komal Patel  
 Date created: April 24, 2019  
 Project Path: n:\finalmapping\  
 49359CityofCrandall.mxd