



Control Number: 49433



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 49433

**PETITION OF LGI HOMES - TEXAS,
LLC, BIG SKY LLC, AND MINDY L.
KOEHNE (TRUSTEE) TO AMEND
BOLIVAR WATER SUPPLY
CORPORATION'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN DENTON BY
EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2019 MAY 15 11:41
FILED CLERK

**ORDER NO. 2
FINDING PETITION INCOMPLETE AND
ESTABLISHING AN OPPORTUNITY TO CURE**

This Order addresses the petition of LGI Homes-Texas, LLC, Big Sky LLC, and Mindy L. Koehne (Trustee), filed on April 10, 2019, requesting to amend Bolivar Water Supply Corporation's water sewer certificate of convenience and necessity in Denton County by expedited release. On May 9, 2019, Commission Staff filed a recommendation on administrative completeness and proposed notice.

The administrative law judge finds the petition administratively incomplete. Specifically, the petition contains multiple landowners owning different tracts of land. However, the tracts of land, including acreage and the corresponding owners, are not clearly identified. Therefore, the petition, in its current form, does not comply with 16 Texas Administrative Code §24.245(I).

On or before June 10, 2019, the petitioner must supplement the petition to cure the deficiencies described in Commission Staff's recommendation.

On or before July 9, 2019, Commission Staff must file a supplemental recommendation regarding administrative completeness, along with a proposed procedural schedule, if appropriate.

Signed at Austin, Texas the 13th day of May 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



**STEVEN LEARY
ADMINISTRATIVE LAW JUDGE**

Item 6

DOCKET NO. 49433

RECEIVED

PETITION OF LGI HOMES - TEXAS,
LLC, BIG SKY LLC, AND MINDY L.
KOEHNE (TRUSTEE) TO AMEND
BOLIVAR WATER SUPPLY
CORPORATION'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN DENTON BY
EXPEDITED RELEASE

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PUBLIC UTILITY COMMISSION
2019 MAY 22 PM 4:11
PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 3
GRANTING MOTION TO INTERVENE**


This Order addresses the April 10, 2019, petition of LGI Homes-Texas, LLC, Big Sky LLC, and Mindy L. Koehne (Trustee) to amend Bolivar Water Supply Corporation's water certificate of convenience and necessity (CCN) in Denton County by expedited release.

On May 10, 2019, Bolivar Water Supply Corporation filed a motion to intervene. Bolivar requests that the administrative law judge designate it as a formal party to this proceeding because it has a justiciable interest in this case. No party objected to the motion.

The administrative law judge grants the motion to intervene.

Signed at Austin, Texas the 22nd day of May 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


STEVEN LEARY
ADMINISTRATIVE LAW JUDGE

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Item 7

P.U.C. DOCKET NO. 49433

2019 MAY 28 PM 2:48

APPLICATION OF LGI HOMES - TEXAS, LLC, BIG SKY LLC, AND MINDY L. KOEHNE (TRUSTEE) TO AMEND BOLIVAR WATER SUPPLY CORPORATION'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON BY EXPEDITED RELEASE	§ § §	PUBLIC UTILITY COMMISSION PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
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PETITIONERS' RESPONSE TO ORDER NO. 2.

COMES NOW LGI Homes – Texas, LLC and Big Sky LLC (together, “Petitioners”), and file this Response to Order No. 2, providing supplemental information to the Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity (CCN) for Water Service pursuant to Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(l) filed on April 10, 2019.

Order No. 2 directed Petitioners to provide additional information regarding the specific ownership of the three tracts of land that seek expedited release from the Bolivar Water Supply Corporation's CCN including the acreage owned by the corresponding owners. The map attached to this Response as Attachment A shows the exact boundaries of the three properties involved in the Petition and identifies the ownership by name.¹ Simplified maps, identifying the location and ownership of the properties are attached as Attachments B and C. The total acreages of the tracts by owner are as follows:

- LGI Homes: 280 acres

¹ This map was attached to the Petition as Exhibit C.

- Big Sky LLC: 159 acres
- Mindy Koehne (identified on Attachment A map as Big Sky Director's Lot Deed A-3): 1 acre

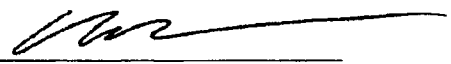
Ownership of the 1 acre property has been consolidated since the Application was initially filed in the ownership of Mindy Koehne, Trustee. Attachment D to this Response is an affidavit affirming this ownership.

WHEREFORE, Petitioners respectfully requests that their Petition be deemed complete and sufficient, be heard and granted in all respects, and that such other orders, acts, procedures, and relief be granted as are proper, necessary, and appropriate to complete the release of the CCN Subject Property from the CCN, as the Commission shall deem proper and necessary.

Date: May 28, 2019

Respectfully submitted,

FOLEY GARDERE
Foley & Lardner LLP
600 Congress Avenue, Ste. 2900
Austin, Texas 78701

By: 
Arthur Val Perkins
Texas State Bar No. 15782600
vperkins@foley.com
Andres Medrano
Texas State Bar No. 24005451
(512) 542-7013/542-7213
amedrano2@foley.com

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing instrument has been served via facsimile or U.S. First Class Mail to all parties of record in this proceeding on May 28, 2019.

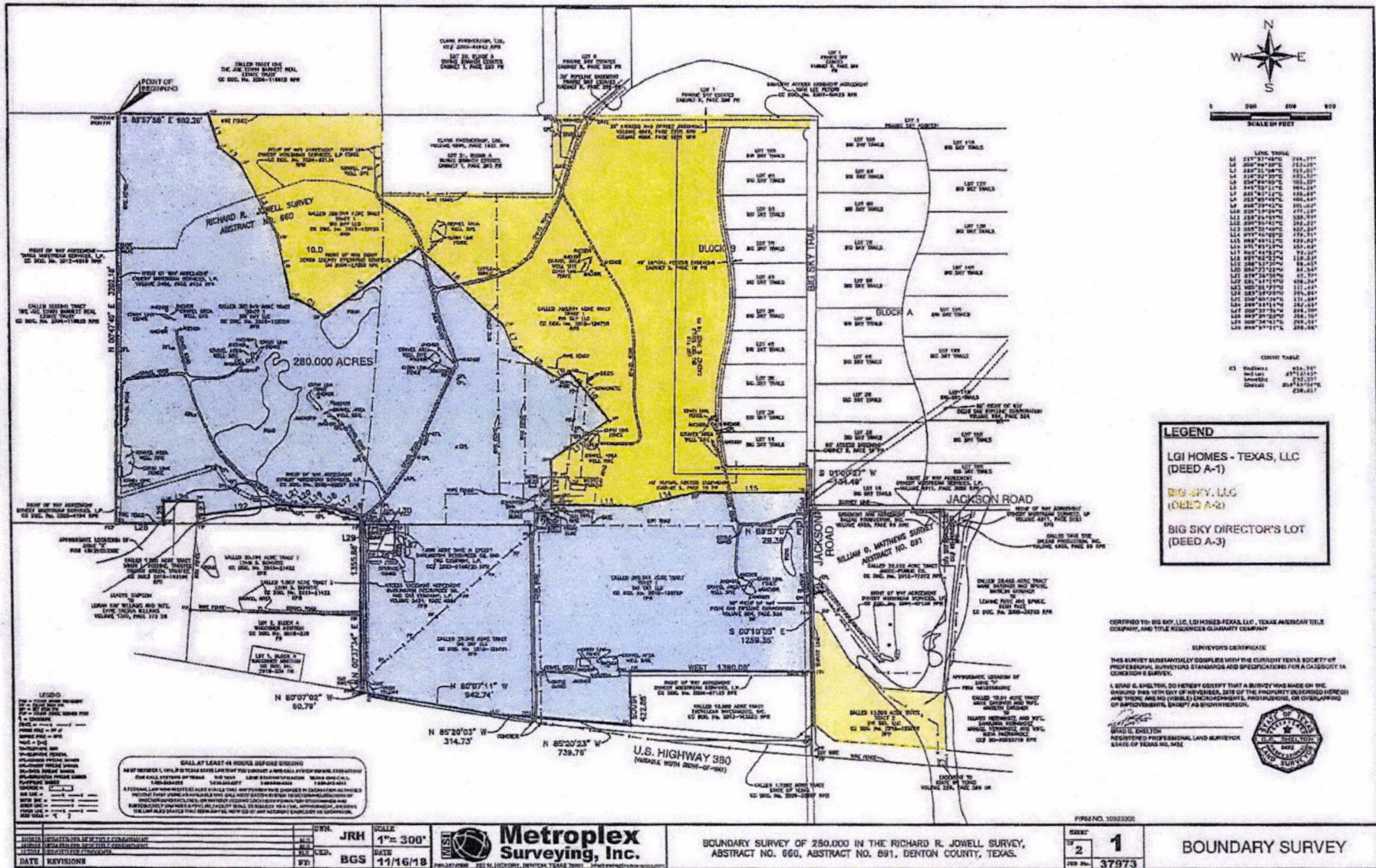

Andres Medrano

Attachments: Attachment A- Large Scale (Detailed) Map
Attachment B – General Location Map
Attachment C – Denton County, Texas Detailed Map
Attachment D – Affidavit of Mindy Koehne

ATTACHMENT A

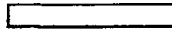
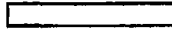
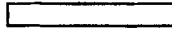
Large Scale (Detailed) Map

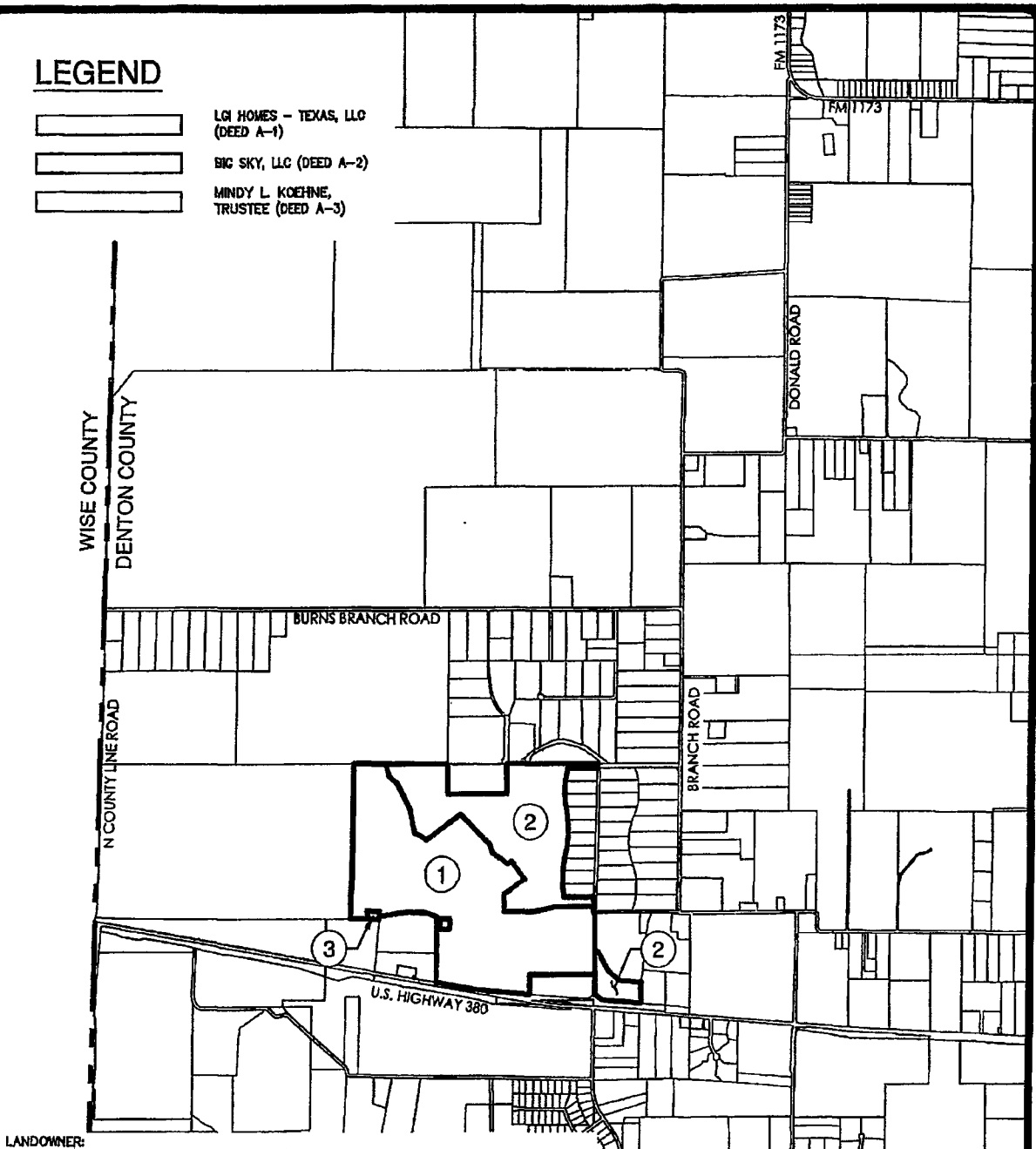
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ATTACHMENT B
General Location Map

LEGEND

	LGI HOMES - TEXAS, LLC (DEED A-1)
	BIG SKY, LLC (DEED A-2)
	MINDY L. KOEHNE, TRUSTEE (DEED A-3)



LANDOWNER:

1. LGI HOMES - TEXAS, LLC (DEED A-1)
- CALLED 280.000 ACRES TRACT; LGI HOMES-TEXAS, LLC;
CC DOC NO. 2018-141332, O.P.R.D.C.T.
2. BIG SKY, LLC (DEED A-2)
- 147.389 ACRES TRACT OF LAND; REMAINDER OF CALLED 358.049 ACRE TRACT;
TRACT 1; BIG SKY, LLC; CC DOC NO. 2018-120750, O.P.R.D.C.T.
- CALLED 13.020 ACRE TRACT; TRACT 2; BIG SKY, LLC;
CC DOC NO. 2018-120750, O.P.R.D.C.T.
3. MINDY L. KOEHNE, TRUSTEE (DEED A-3)
- CALLED 1.000 ACRE TRACT; MINDY L. KOEHNE, TRUSTEE;
TIMOTHY GREEN, TRUSTEE; CC DOC NO. 2018-163194, O.P.R.D.C.T.



SCALE: 1" = 3,000'



JOB NO. 70008-07
DATE MAY 2019
DESIGNER AJR
CHECKED DEW DRAWN SMW
EXHIBIT B

BIG SKY DENTON COUNTY, TEXAS GENERAL LOCATION MAP

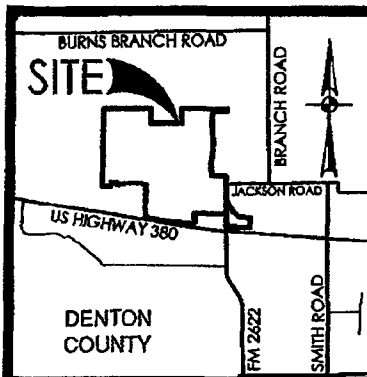
**PAPE-DAWSON
ENGINEERS**

DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5810 TENNYSON PKWY, STE 425 PLANO, TX 75024 | 214.420.8494
TYPE FIRM REGISTRATION #470 | TGPLS FIRM REGISTRATION #10194380

Date: May 23, 2019, 10:00am User: AJR
File: C:\Users\AJR\Documents\2019\20190523 Big Sky Location Map.dwg
Plot: C:\Users\AJR\Documents\2019\20190523 Big Sky Location Map.dwg

THIS DOCUMENT HAS BEEN PREPARED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN SUPERSEDED. RELY ONLY ON THE HARD COPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

ATTACHMENT C
Denton County, Texas Detailed Map

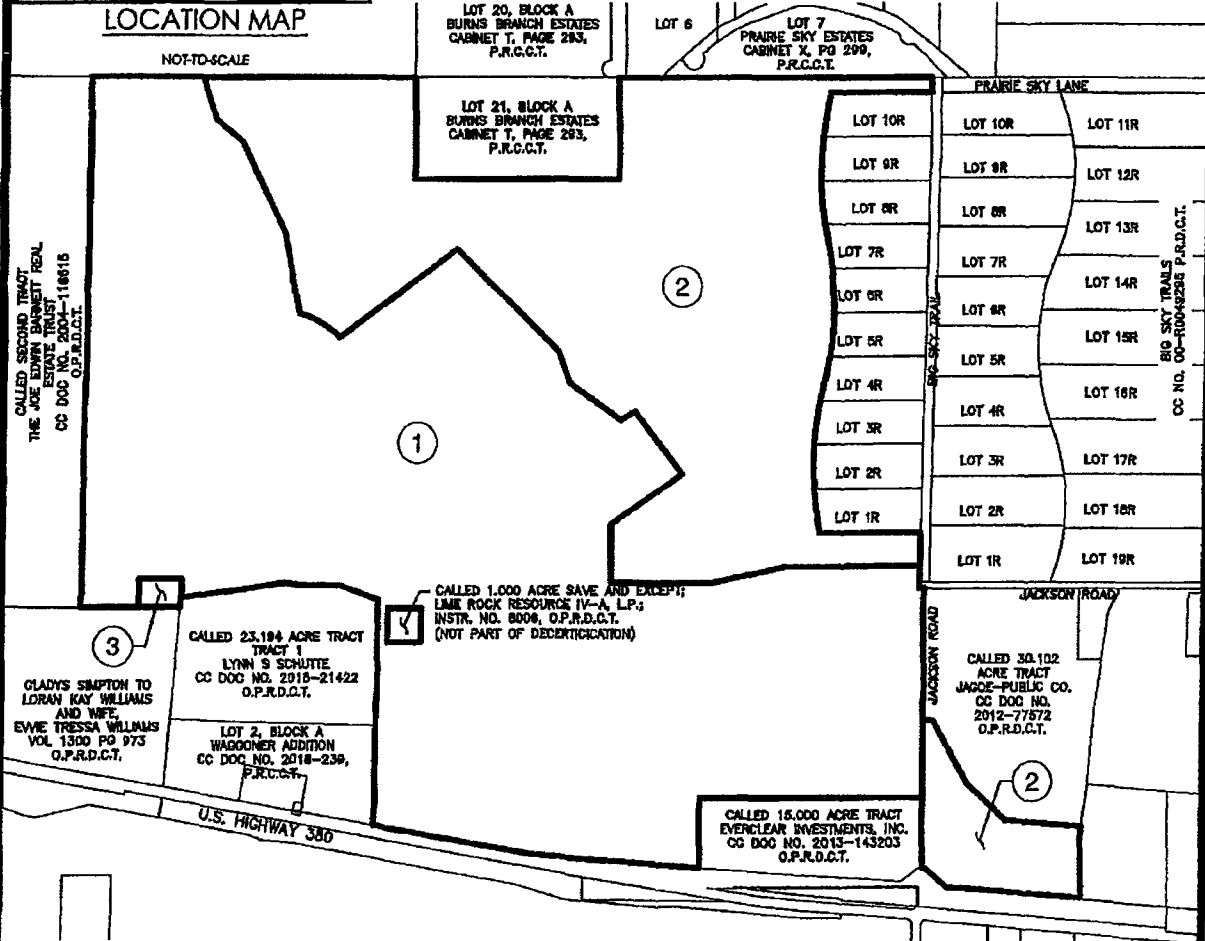


LOCATION MAP

NOT-TO-SCALE

LEGEND

- LGI HOMES - TEXAS, LLC (DEED A-1)
- BIG SKY, LLC (DEED A-2)
- MINDY L. KOEHNE, TRUSTEE (DEED A-3)



LANDOWNER:

1. LGI HOMES - TEXAS, LLC (DEED A-1)
- CALLED 280.000 ACRES TRACT; LGI HOMES-TEXAS, LLC;
CC DOC NO. 2018-141332, O.P.R.D.C.T.
2. BIG SKY, LLC (DEED A-2)
- 147.389 ACRES TRACT OF LAND; REMAINDER OF CALLED 388.049 ACRE TRACT;
TRACT 1; BIG SKY, LLC.; CC DOC NO. 2018-120750, O.P.R.D.C.T.
- CALLED 13.020 ACRE TRACT; TRACT 2; BIG SKY, LLC.;
CC DOC NO. 2018-120750, O.P.R.D.C.T.
3. MINDY L. KOEHNE, TRUSTEE (DEED A-3)
- CALLED 1.000 ACRE TRACT; MINDY L. KOEHNE, TRUSTEE;
TIMOTHY GREEN, TRUSTEE; CC DOC NO. 2016-163194, O.P.R.D.C.T.

JOB NO. 70008-07
DATE MAY 2019
DESIGNER AJR
CHECKED DEW, DRAWN SMM
EXHIBIT C

BIG SKY DENTON COUNTY, TEXAS DETAILED MAP

**PAPE-DAWSON
ENGINEERS**

DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5810 TENNYSON PKWY, STE 428 PLANO, TX 75024 | 214.420.8484
TYPE FIRM REGISTRATION 6470 | TEMPL FIRM REGISTRATION 41018430

Date: May 23, 2019, 2:15pm User: ajr
File: C:\Users\ajr\Documents\BIG SKY\BIG SKY DETAILED MAP.dwg

THIS DOCUMENT HAS BEEN PROVIDED FROM MATERIAL THAT WAS OBTAINED FROM THE PUBLIC RECORDS AND MAY HAVE BEEN REPRODUCED AS IS. THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

ATTACHMENT D
Affidavit of Mindy Koehne

AFFIDAVIT

THE STATE OF TEXAS §

§

COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared Mindy Koehne, whom, being first duly sworn by me, upon his oath stated:

1. My name is Mindy Koehne acting in my capacity as Trustee in the Mindy Koehne tract, which is 1-acre of the 440-acres ("Petitioner"). The legal description of the 1-acre is A0660A JOWELL, TR 13C, 1. ACREAS, OLD DCAD TR12. I am of sound mind, more than eighteen (18) years of age, and am capable of making this affidavit.
2. The Petitioner is submitting a Petition for Expedited Release from Certificate of Convenience and Necessity for Water Service ("Petition") with the Public Utility Commission of Texas ("PUC" or "Commission").
3. The Petition is being submitted pursuant to Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(l).
4. The Property (as defined in the Petition) is at least 25 contiguous acres in size.
5. The Property is subject to certificate of convenience and necessity ("CCN") No. 11257 for water service held by Bolivar Water Supply Corporation (the "CCN Holder"), and is located in Denton County, Texas.
6. The Property is not receiving water service from the CCN Holder.
7. The Petitioner owns the Property, as evidenced by the deeds submitted with the Petition.

8. A copy of the Petition shall be mailed to the CCN Holder via certified mail on the day the Petition is filed with the Commission.
9. The required mapping documents are being submitted to the Commission with the Petition.

WITNESS MY HAND this 28th day of May, 2019.

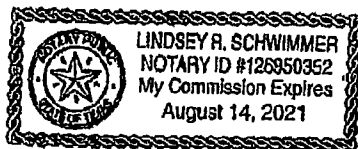
By: Mindy Koehne

THE STATE OF TEXAS §

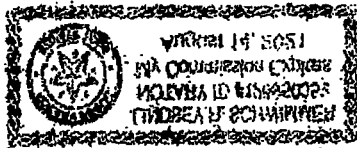
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THE COUNTY OF DENTON §

This instrument was acknowledged before me on the 23rd day of May, 2019, by Mindy Koehne.



L. Schwimmer
Notary Public



Item 8

APPLICATION OF LGI HOMES - TEXAS, LLC, BIG SKY LLC, AND MINDY L. KOEHNE (TRUSTEE) TO AMEND BOLIVAR WATER SUPPLY CORPORATION'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON BY EXPEDITED RELEASE	§ § §	PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK JUN 10 2019 11:13
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PETITIONERS' FIRST SET OF REQUESTS FOR INFORMATION TO BOLIVAR WATER SUPPLY CORPORATION

Pursuant to 16 TAC §§ 22.141-145, LGI Homes Texas, LLC, Big Sky LLC, and Mindy L. Koehne (Trustee) (together, "Petitioners"), request that Bolivar Water Supply Corporation ("Bolivar") provide the information requested in this document in accordance with the definitions, explanatory notes, and instructions below within twenty (20) working days of receipt thereof. It is further requested that the answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing it (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can attest to its accuracy. These requests are continuing in nature, and should there be a change in circumstances that would modify or change an answer supplied, such changed answer should be submitted immediately as a supplement to the original answer.

Date: June 10, 2019

Respectfully submitted,

FOLEY GARDERE
Foley & Lardner LLP
600 Congress Avenue, Ste. 2900
Austin, Texas 78701

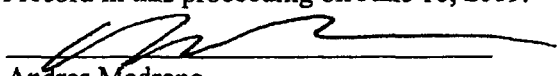
By: 
Arthur Val Perkins

8

Texas State Bar No. 15782600
vperkins@foley.com
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(512) 542-7013/542-7213
amedrano2@foley.com

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing instrument has been served via facsimile or U.S. First Class Mail to all parties of record in this proceeding on June 10, 2019.



Andres Medrano