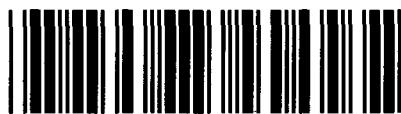




Control Number: 49863



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 49863

**PETITION OF ALAMO MISSION LLC §
TO AMEND ROCKETT SPECIAL §
UTILITY DISTRICT'S WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN ELLIS COUNTY §
BY EXPEDITED RELEASE §**

PUBLIC UTILITY COMMISSION 30
2019 SEP 26 PM 2:30
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2 files this, Commission Staff's Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On August 16, 2018, Alamo Mission LLC (Alamo) filed a petition for expedited release of approximately 166.594 acres from Rockett Special Utility District's (RSUD) water Certificate of Convenience and Necessity (CCN) No. 10099, in Ellis County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County, which is a qualifying county.

On September 17, 2019, the Administrative Law Judge issued Order No. 2, establishing a deadline of October 1, 2019, for Staff to file a recommendation on final disposition. Therefore, this pleading is timely filed.

II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(l), 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. The applicant's petition was deemed administratively complete on September 17, 2019.¹ Therefore, the 60-day deadline for administrative approval is November 16, 2019.

¹ See Order No. 2 (Sept. 17, 2019).

III. FINAL RECOMMENDATION

Staff has reviewed the applicant's petition and, as supported by the attached memorandum of Patricia Garcia, an Engineering Specialist in the Commission's Infrastructure Division, Staff recommends that the petition be approved. The maps and digital data submitted by the applicant provide adequate information to demonstrate that the applicant satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l). Specifically, the petition shows that the property for which the applicant seeks expedited release is located in a qualifying county (Ellis 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. The 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 and CCN Certificate are attached to this filing.

IV. CONCLUSION

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

Dated: September 26, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Steven M. Gonzalez
State Bar No. 24109210
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Steven.Gonzalez@puc.texas.gov

DOCKET NO. 49863

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 26, 2019, in accordance with 16 TAC § 22.74.



Steven M. Gonzalez

PUC Interoffice Memorandum

To: Steven Gonzalez, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: September 25, 2019

Subject: **Docket No. 49863:** *Petition of Alamo Mission LLC to Amend Rockett Special Utility District's Water Certificate of Convenience and Necessity in Ellis County by Expedited Release*

On August 16, 2019, Alamo Mission, LLC (Petitioner) filed an application for expedited release from Rockett Special Utility District's (Rockett SUD) water Certificate of Convenience and Necessity No. 10099 in Ellis County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County which is a qualifying county.

The Petitioner included a statement indicating a copy of the petition was sent via certified mail to the Rocket SUD on the date the petition was filed with the Commission. On September 13, 2019, Rockett SUD filed a motion to intervene, which was granted by the Administrative Law Judge on September 17, 2019. A response and objection to petition pleading was submitted by Rockett SUD on September 24, 2019 which included a claim by Rockett SUD that property would be rendered useless or valueless if the requested release is granted by the Commission. Rockett SUD demonstrated that there are facilities in close proximity of the subject property, including a 12-inch water line and a meter serving the property. The pleading included a map showing the location of the water line and meter and an application and check for payment of said water meter from Goodloe Farms for a meter to serve the property at Pasture Ovilla Road. No additional information regarding the exact location of the meter or property it serves was provided.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data pursuant to 16 TAC § 24.257. The map and digital data are sufficient for determining the locations of the requested release areas within Rockett SUD's certificated area. Mapping Staff was able to confirm the acreage of the subject property and determined that the requested areas are located within Rockett SUD's water CCN. Furthermore, the Petitioner provided warranty deeds confirming the Petitioner's ownership of the tracts of land within Rockett SUD's certificated area. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder. The area being requested for expedited release is approximately 167 acres.

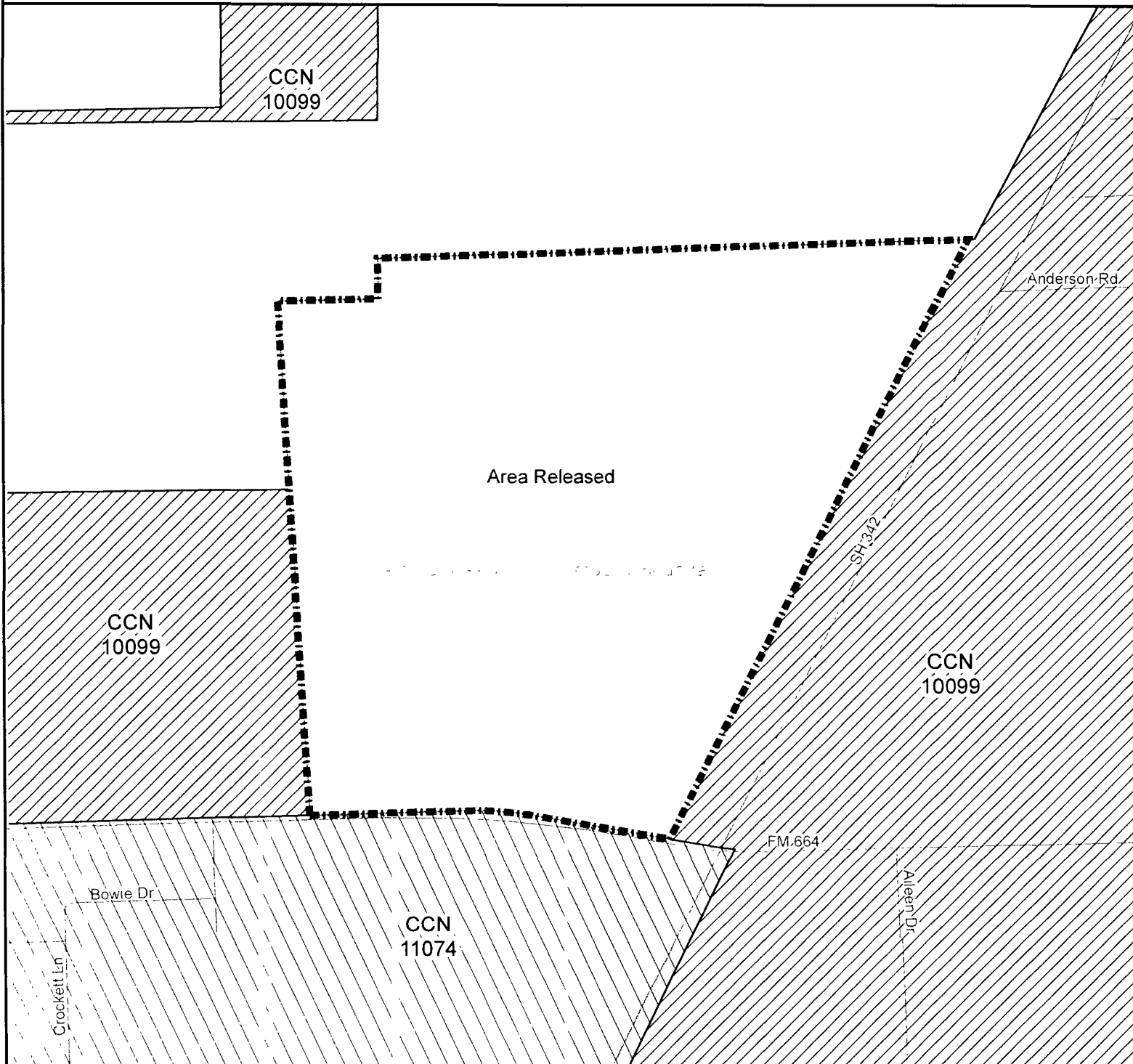
Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 24.245(n)(3). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 16 TAC

§ 24.245(n)(7).

In accordance with TWC § 13.254(a-5) and 16 TAC § 24.245(l), the Petitioners have met the Commission's requirements to allow for the release of the requested area from Rockett SUD's CCN No. 10099. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.



Additionally, Staff recommends that a final map and certificate be provided to the CCN holder. Pursuant to TWC §§ 13.257 (r)-(s), Staff further recommends that Rockett SUD file the following information in the Ellis County Clerk's office: (1) a certified copy of the CCN map; (2) a certified copy of the amended certificate; and (3) a boundary description of the CCN service area.

Rockett Special Utility District
 Portion of Water CCN No. 10099
 PUC Docket No. 49863
 Petition by Alamo Mission, LLC to Amend
 Rockett Special Utility District's CCN by Expedited Release in Ellis County



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

Water CCN

-  10099 - Rockett SUD
-  11074 - City of Red Oak

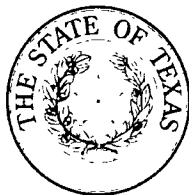
 Area Released

 Property Boundary

0 350 700
 Feet



Map by Komal Patel
 Date created September 25, 2019
 Project Path n:\finalmapping\
 49863RockettSUD.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Rockett Special Utility District

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, Rockett Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10099

to provide continuous and adequate water utility service to that service area or those service areas in Dallas and Ellis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 49863 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 Rockett Special Utility District 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 _____ day of _____ 2019.