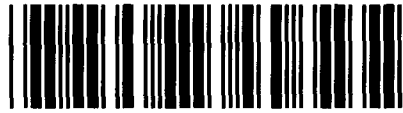


Control Number: 50068



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 50068

**PETITION OF SPCH FORT WORTH I,
LLC TO AMEND TOWN OF
NORTHLAKE'S CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
DENTON COUNTY BY EXPEDITED
RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 4
APPROVING EXPEDITED RELEASE**

This Order addresses the petition of SPCH Fort Worth I, LLC, filed on October 2, 2019, requesting the streamlined expedited release of portions of an approximately 74-acre tract of land located within the boundaries of the Town of Northlake's water certificate of convenience and necessity (CCN) number 12915 and sewer CCN number 20866 in Denton County.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. SPCH is a foreign limited liability company registered with the Texas secretary of state under filing number 803229071.
2. SPCH owns approximately 74 contiguous acres of land in Denton County. Of this acreage, the requested area to be released from water CCN number 12915 is approximately 20 acres and the requested area to be released from sewer CCN number 20866 is approximately 28 acres.

Petition

3. On October 2, 2019, SPCH filed a petition for expedited release of portions a tract of land from the service area of Northlake's water CCN number 12915 and sewer CCN number 20866 in Denton County.
4. SPCH provided special warranty deeds confirming its ownership of the tract of land and maps confirming the land's location.
5. The petition includes an affidavit of Ian MacDonald, Development Manager for SPCH, certifying that the tract is not receiving water or sewer service from Northlake, and the tract

of land is owned by SPCH, is more than 25 acres, is within the boundaries of water CCN number 12915 and sewer CCN number 20866 held by Northlake, and is located in Denton County.

6. In Order No. 2 filed on November 7, 2019, the ALJ found the petition administratively complete.

Notice

7. The applicant sent a true and correct copy of the petition, via certified mail, to Northlake on October 1, 2019.
8. In Order No. 2 filed on November 7, 2019, the ALJ found the notice sufficient.

Intervention

9. Northlake did not file a request to intervene.

Water or Sewer Service

10. There is no evidence that Northlake has performed acts or supplied anything to the tract of land.
11. There is no evidence that Northlake has committed facilities or lines providing water or sewer service to the tract of land.
12. There is no evidence that Northlake has performed acts or supplied anything to the tract of land.
13. The tract of land is not receiving water or sewer service from Northlake.

Informal Disposition

14. More than 15 days have passed since the completion of the notice in this docket.
15. Commission Staff and SPCH are the only parties to this proceeding.
16. No party requested a hearing and no hearing is necessary.
17. Commission Staff recommended approval of the petition.
18. 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) § 13.2541.
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) §§ 22.55 and 24.245(l).
3. No opportunity for a hearing on a petition for expedited release is provide under TWC § 13.2541 or 16 TAC § 24.245(l).
4. Petitions for expedited release filed under TWC § 13.2541 and 16 TAC § 24.245(l) are not contested cases.
5. Landowners seeking expedited release under 16 TAC § 24.245(l) are required to submit a verified petition through a notarized affidavit and the CCN holder may submit a response to the petition.
6. To obtain release under TWC § 13.2541, 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 or sewer service.
7. Denton County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(l).
8. The requested tract of land is not receiving water or sewer service from Northlake in accordance with TWC § 13.2541(b).
9. The applicant has demonstrated it is entitled to expedited release in accordance with TWC § 13.2541 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 or sewer service.
10. The Commission processed the petition in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.

¹ Tex. Gov't Code ch. 2001.

11. Under TWC § 13.257(r) and (s), Northlake is required to record a certified copy of the approved certificates and maps, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service areas are located, and submit to the Commission evidence of the recording.
12. 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 requested portions of the 74-acre tract of land owned by SPCH from Northlake's water CCN number 12915 and sewer CCN number 20866.
2. The Commission's official service area boundary maps for Northlake's water and sewer CCNs will reflect this change as shown on the attached maps.
3. The Commission grants the certificates attached to this Order.
4. Northlake must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Denton County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Order.
5. The amount of compensation owed by SPCH to Northlake, if any, will be determined by separate order.
6. The procedural schedule specified in Order No. 3 remains in effect.
7. A copy of this Order will be provided to Northlake.
8. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 6th day of January 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'S. Leary', is written over a horizontal line.

STEVEN LEARY
ADMINISTRATIVE LAW JUDGE

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DOCKET NO. 50068

PETITION OF SPCH FORT WORTH I, LLC TO AMEND TOWN OF NORTHLAKE'S CERTIFICATES OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY EXPEDITED RELEASE	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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14. More than 15 days have passed since the completion of the notice in this docket.
15. Commission Staff and SPCH are the only parties to this proceeding.
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12. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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5. The amount of compensation owed by SPCH to Northlake, if any, will be determined by separate order.
6. The procedural schedule specified in Order No. 3 remains in effect.
7. A copy of this Order will be provided to Northlake.
8. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 6th day of January 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'S. Leary', is written over a horizontal line.

STEVEN LEARY

ADMINISTRATIVE LAW JUDGE

Town of Northlake
Portion of Sewer CCN No. 20866
PUC Docket No. 50068
Petition by SPCH Fort Worth I, LLC to Amend
Town of Northlake's CCN by Expedited Release in Denton County



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

Sewer CCN

 20866 - Town of Northlake

 Area Released

 Property Boundary

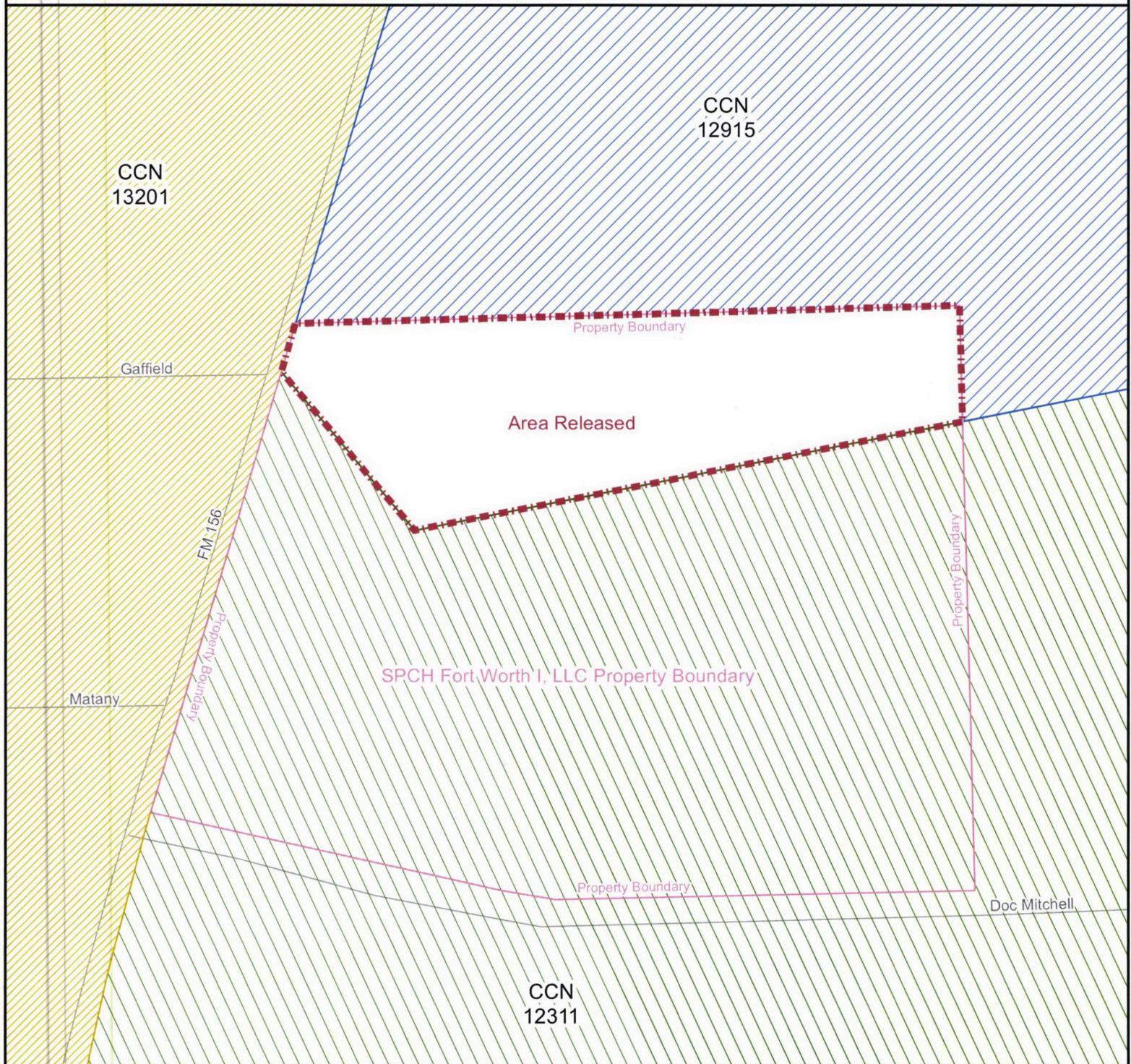
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Map by: Komal Patel
Date created: November 14, 2019
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Town of Northlake
 Portion of Water CCN No. 12915
 PUC Docket No. 50068
 Petition by SPCH Fort Worth I, LLC to Amend
 Town of Northlake's CCN by Expedited Release in Denton County



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

Water CCN

-  12915 - Town of Northlake
-  12311 - City of Fort Worth
-  13201 - Aqua Texas Inc

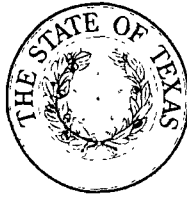
-  Area Released
-  Property Boundary

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Map by: Komal Patel
 Date created: November 14, 2019
 Project Path: n:\finalmapping\
 50068TownofNorthlakeWater.mxd

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Public Utility Commission of Texas

By These Presents Be It Known To All That

Town of Northlake

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, Town of Northlake is entitled to this

Certificate of Convenience and Necessity No. 12915

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50068 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 Town of Northlake 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 6th day of January 2020.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Town of Northlake

having obtained certification to provide sewer 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, Town of Northlake is entitled to this

Certificate of Convenience and Necessity No. 20866

to provide continuous and adequate sewer utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50068 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 Town of Northlake 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 6th day of January 2020.