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PETITION BY THE SANCTUARY
TEXAS, LLC,
FOR EXPEDITED RELEASE FROM
WATER CCN NO. 13201 HELD BY
AQUA TEXAS IN
DENTON COUNTY

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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**THE SANCTUARY TEXAS, LLC'S MOTION FOR ENTRY OF ORDER FINDING
PETITION ADMINISTRATIVELY COMPLETE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

The Sanctuary Texas, LLC ("Petitioner") files this Motion for Entry of Order Finding Petition Administratively Complete and in support thereof respectfully shows as follows:

I. Procedural Status

1. On February 10, 2020, "Petitioner filed its First Amended Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Aqua Texas's ("Aqua") water certificate of convenience and necessity ("CCN") No. 13201.

2. On April 15, 2020, Order No. 4 was issued requesting Petitioner to provide additional information evidencing property ownership.

3. On April 29, 2020 Petitioner filed a Notice of Filing of Affidavit and Motion for Order of Substantial Completeness in response to Order No. 4. In addition, on May 7, 2020 Petitioner filed Special Warranty Deeds, showing the property was granted to Petitioner.

4. Aqua objected to these filings approximately two months ago. Petitioner responded to these arguments on June 15, 2020. To date, it has been almost five months since Petitioner files its Amended Petition, and two months since Petitioner filed supplemental evidence that it is the title owner of the property that is the subject of the Petition. In the interest

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of expediting its release from Aqua's CCN and in the interest of justice, Petitioner respectfully requests a finding of Administrative Completeness and in support of shows as follows¹:

II. Argument and Authority

A. The Sanctuary's Petition Satisfies the Commission's Requirements for Administrative Completeness.

Staff recommended a finding of administrative completeness on March 19, 2020. On April 15, 2020, the ALJ requested additional information regarding evidence of ownership. Although Petitioner was unable to provide the affidavit as David Brooks, as specifically requested by the ALJ, it did provide an affidavit from Petitioner's lender for the Property's purchase and deeds to the Property.

1. The Sanctuary, LLC is the titled owner of the Property.

Petitioner is unquestionably the owner of the Property. Petitioner has filed far beyond what is required in order to prove Property ownership in this docket including: (1) an affidavit from Marlon McMakin swearing, under oath as its Managing Member, that Petitioner owns the Property (Ex. A to Original Petition); (2) an additional affidavit from Mr. McMakin further swearing to Petitioner's ownership of the Property (Ex. A to Amended Petition); (3) a Deed of Trust securing the Property owned by Petitioner and describing the Property (Ex. C-1 to Amended Petition); (4) a Title Insurance Policy identifying Petitioner as the title-holder to the Property (Ex. C-2 to Amended Petition); (5) an affidavit from Petitioner's lender for the Property's purchase explaining the lender has no ownership in the Property and concurring with the Petition (doc 11 filed On May 4, 2020); and (6) Deeds to the Property (doc 13 filed on May 7, 2020). Ownership, as supported by these documents, is firmly established and is distinct from identification of the precise parcel to be decertified.

¹ See also Filing No. 17 in this docket.

2. Petitioner has Properly Identified the Property to be Decertified.

With regard to identification of the Property to be decertified Petitioner has filed: (1) a general map (Ex. B-1 to Amended Petition); (2) a detailed map (Ex. B-2 to Amended Petition); and (3) a metes and bounds survey identifying the Property as 70.146 acres. The Property to be decertified is, unquestionably, fully and properly identified by these documents and should not be confused with Petitioner's evidence of Property ownership. The Sanctuary only seeks to decertify the Property contained in CCN No. 13201, which is 70.146 acres evidenced by the maps and metes and bounds survey attached to the Petition. Petitioner is not seeking to decertify any additional acreage. Again, the purpose of the deeds is to demonstrate Property ownership; not to identify the Property for decertification. The Property is more accurately and particularly described by the maps and survey and amounts to 70.146 acres.

B. Docket 50495 has Precedential Value

On February 10, 2020, the Sanctuary filed its Amended Petition in Docket No. 50495 for expedited release of approximately 70.126 acres of land from the City of Lakewood Village's sewer CCN No. 20075. Other than the parties and CCN, the Petition and exhibits are the same in all respects. On February 28, 2020, Staff filed a recommendation that the Petition be found administratively complete. The ALJ issued an order finding the Petition Administratively Complete on April 15, 2020. *See* Order No. 2. On April 28, 2020, Staff requested an extension of time to file its recommendation on final disposition of this matter. In its request for extension, Staff requested that Petitioner provide certain documents and requested additional time to review the documentation. On May 4 and 7, 2020, Petitioner filed documentation responsive to Staff's request, which included an affidavit and deeds evidencing the Property's ownership. These were identical to those filed in this docket. Accordingly, the ALJ granted Staff's request for extension,

until May 19, 2020, to file a recommendation on final disposition and did not request additional information. Based on this precedent, the Petition in this matter should, likewise, be found administratively complete.

III. Conclusion and Prayer

WHEREFORE, Petitioner respectfully requests this Court to enter and Order finding Petitioner's Amended Petition for Expedited Release from Aqua Texas's Water Certificate of Convenience and Necessity No. 13201 Administratively Complete.

Respectfully submitted,

COATS | ROSE

By:



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**ATTORNEY FOR PETITIONER
THE SANCTUARY TEXAS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, a true and correct copy of this document was served on all parties of record in this proceeding by electronic mail and by filing on the PUC Interchange System.

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