



Control Number: 50792



Item Number: 13

Addendum StartPage: 0



DOCKET NO. 50792

**PETITION OF VAL VERDE UTILITY
COMPANY, LLC TO DECERTIFY ITS
CERTIFICATED WATER AREA AND
CANCEL ITS WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN VAL VERDE COUNTY**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**JOINT PROPOSED NOTICE OF APPROVAL AND
MOTION TO ADMIT EVIDENCE**

COMES NOW Val Verde Utility Company, LLC (Val Verde), together with the staff (Commission Staff) of the Public Utility Commission of Texas (Commission) (collectively, the Parties), and files this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties would show the following:

I. BACKGROUND

On April 20, 2020, Val Verde filed a petition seeking approval to cancel its water Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County. Val Verde stated that no water services have ever been provided since the CCN was obtained and there have never been any customers. On August 20, 2020, Order No. 2 in this proceeding found the petition to be administratively complete.

On August 26, 2020, Order No. 3 in this proceeding was filed, finding notice sufficient and establishing October 22, 2020 as the Parties' deadline to file a joint proposed notice of approval and motion to admit evidence. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding: (a) Val Verde's petition and accompanying attachments filed on April 20, 2020 (Interchange Item No. 1); (b) Val Verde's response to Commission Staff's first request for information (RFI) filed on August 3, 2020 (Interchange Item No. 6); (c) Val Verde's affidavit of notice filed on August 5, 2020 (Interchange Item No. 7); (d) Val Verde's publisher's affidavit filed on August 14, 2020 (Interchange Item No. 8); (e) Commission Staff's administrative completeness recommendation

filed on July 9, 2020 (Interchange Item No. 4); and (f) Commission Staff's recommendation on final disposition filed on October 1, 2020 (Interchange Item No. 12).

III. JOINT MOTION FOR APPROVAL

The attached Joint Proposed Notice of Approval would grant Val Verde's petition to cancel its water CCN No. 13179 in Val Verde County, Texas.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the motion to admit the evidence specified above and adopt the attached Joint Proposed Notice of Approval.

Dated: October 22, 2020

Respectfully submitted,

DUNCAN, BRESSLER, & WILLIAMSON, INC.
1020 N.E. Loop 410, Suite 500
San Antonio, Texas 78209
Telephone: (210) 224-0781
Fax: (210) 224-6958

By: 

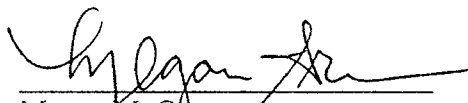
Michael P. Repp
State Bar No. 24064104
Email: mrepp@duncanlaw.com

Megan M. Green
State Bar No. 24103021
Email: mgreen@duncanlaw.com

**ATTORNEYS FOR VAL VERDE UTILITY
COMPANY, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of October, 2020 a true and correct copy of the above and foregoing instrument has been transmitted in accordance with the Commission's Order Suspending Rules in Docket No. 50664.


Megan M. Green

DOCKET NO. 50792

PETITION OF VAL VERDE UTILITY	§	PUBLIC UTILITY COMMISSION
COMPANY, LLC TO DECERTIFY ITS	§	
CERTIFICATED WATER AREA AND	§	OF TEXAS
CANCEL ITS WATER CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	
IN VAL VERDE COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the petition of Val Verde Utility Company, LLC (Val Verde) to cancel its water certificate of convenience and necessity (CCN) number 13179 in Val Verde County. The Commission cancels Val Verde's water CCN number 13179.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Val Verde is a domestic limited liability company registered with the Texas secretary of state under filing number 801087469.
2. Val Verde currently holds CCN number 13179 in Val Verde County.

Petition

3. On April 20, 2020, Val Verde filed a petition to discontinue water service and cancel its water CCN number 13179.
4. Val Verde obtained CCN number 13179, but has never provided water service, has no water customers, and has never had any water customers.
5. Val Verde does not purchase water treatment capacity from any other source.
6. The area served under CCN number 13179 includes approximately 3,103 acres and has no customers.
7. In Order No. 2 filed on August 20, 2020, the administrative law judge (ALJ) the petition administratively complete.

Notice

8. On August 5, 2020, Val Verde provided an affidavit of Megan Green, attorney for Val Verde attesting that notice of the petition was provided to the City of Del Rio, Del Rio Utilities Commission, and the Val Verde County Judge.
9. On August 14, 2020, Val Verde filed a publisher's affidavit attesting that notice of the petition was published in the *Del Rio News Herald* on August 5, 2020 and August 12, 2020.
10. In Order No. 3 filed on August 26, 2020, the ALJ found the notice sufficient.

Evidentiary Record

11. On October 22, 2020, Commission Staff and Val Verde filed a motion to admit evidence.
12. In Order No. __ filed on _____, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) Val Verde's petition and accompanying attachments filed on April 20, 2020; (b) Val Verde's response to Staff's first requests for information filed on August 3, 2020; (c) Val Verde's affidavit of notice filed on August 5, 2020; (d) Val Verde's publisher's affidavit filed on August 14, 2020; (e) Commission Staff's administrative completeness recommendation filed on July 9, 2020; and (f) Commission Staff's recommendation regarding final disposition filed on October 1, 2020.

Ability to Render Continuous and Adequate Service—Texas Water Code (TWC) § 13.250(a)

13. Because Val Verde has no customers or facilities, and because there are no current plans for another utility to provide service to the service area following the cancellation of Val Verde's CCN, no service is required.

Discontinuation, Reduction, or Impairment of Service—TWC § 13.250(b), (c), (d)

14. Neither the present nor future convenience and necessity within the boundaries of CCN number 13179 will be adversely affected by discontinuance and cancellation of the CCN.

Consent of Certificate Holder—TWC § 13.254(a), TWC § 13.254(b)

15. Val Verde is the certificate holder and has provided written consent to cancel its CCN.

New Service Provider—TWC § 13.254(c)

16. Because there are no customers or facilities in Val Verde's service area, there are no plans for another utility to serve the area at this time.

Adequate Compensation—TWC § 13.254(d)

17. Because Val Verde has no customers or facilities, and because there are no current plans for another utility to provide service to the service area following the cancellation of Val Verde's CCN, no compensation for the service area has been paid or is due to Val Verde from another retail public utility.

Service After Decertification—TWC § 13.254(h)

18. After discontinuance and cancellation of its CCN, Val Verde will no longer be obligated to serve the area.
19. Because there are no customers or facilities in Val Verde's service area, there are no plans for another utility to serve the area at this time.

Effect on Customers and Landowners—16 Texas Administrative Code (TAC) § 24.249(i)(1)

20. The proposed discontinuation of service will have no adverse effect on customers and landowners because there are no customers and all of the land located within the boundaries of the CCN is now owned by Val Verde County. It is Val Verde County's wish that the CCN be cancelled.

Costs Associated with Achieving Compliance—16 TAC § 24.249(i)(2)

21. Val Verde has never constructed a system for providing water services.
22. There is no need to achieve compliance because Val Verde has no customers.

Diligence in Locating Alternative Sources of Service—16 TAC § 24.249(i)(3)

23. Val Verde has never served customers under the CCN and the current landowner, Val Verde County, has requested the CCN be cancelled. As such, there is no need for Val Verde to locate alternative sources of water service.

Efforts to Sell Utility—16 TAC § 24.249(i)(4)

24. Because Val Verde has no customers, facilities, or installed utility lines, and because the current landowner has requested that the CCN be cancelled, there is no need for Val Verde to attempt to sell the utility.

Asking Price—16 TAC § 24.249(i)(5)

25. Val Verde did not provide an asking price for the purchase of the utility and did not seek to sell the utility.

Relationship between Applicant and Original Developer—16 TAC § 24.249(i)(6)

26. SE Ranch Holdings, Ltd. (SE Ranch Holdings) was the original landowner who hoped to develop the land within the service area established by Val Verde's water CCN number 13179. SE Ranch Holdings established Val Verde in anticipation of developing the land and providing utility services following the development.
27. In October 2019, SE Ranch Holdings entered an agreement to convey the land covered by water CCN number 13179 to Val Verde County. Val Verde filed this petition to cancel water CCN number 13179 in furtherance of the terms of the agreement between SE Ranch Holdings and Val Verde County.

Availability of Alternative Sources of Service—16 TAC § 24.249(i)(7)

28. Because there are no customers in the service area and the current landowner has requested that Val Verde petition for the cancellation of this CCN, there is no need for Val Verde to determine the availability of alternative sources for water service.

Feasibility of Obtaining Service from Alternative Sources—16 TAC § 24.249(i)(8)

29. Because there are no customers in the service area and the current landowner has requested that Val Verde petition for the cancellation of this CCN, there is no need for Val Verde to determine the feasibility of obtaining service from an alternative source.

Informal Disposition

30. More than 15 days have passed since the completion of the notice provided in this docket.
31. No person filed a protest or motion to intervene.
32. Commission Staff and Val Verde are the only parties to this proceeding.
33. No party requested a hearing and no hearing is needed.
34. Commission Staff recommended approval of the petition.
35. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition under TWC §§ 13.041, 13.250, and 13.254.
2. Val Verde is a retail public utility as defined in TWC § 13.002(19) and water utility as

defined in 16 TAC § 24.3(31).

3. The Commission processed the petition in accordance with the requirements of the Administrative Procedure Act,¹ TWC, and Commission Rules.
4. Val Verde provided notice of the petition that complies with TWC § 13.246 and 16 TAC § 24.249.
5. After consideration of the factors in 16 TAC § 24.249(i) and TWC §§ 13.250 and 13.254, Val Verde demonstrated that it meets the criteria to discontinue water service in Val Verde County and to cancel its CCN number 13179.
6. Val Verde demonstrated that the discontinuation of its water service and the cancellation of its CCN number 13179 in Val Verde County will serve the public interest.
7. The requirements for informal disposition under 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 Val Verde's petition to discontinue water service and cancels Val Verde's water CCN number 13179, effective the date of this Notice of Approval.
2. Commission Staff must remove CCN number 13179 from its databases of active CCNs, including its online map viewer.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the _____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE

¹ Administrative Procedure Act, Tex. Gov't Code § 2001.001—.902.