



Control Number: 50792



Item Number: 17

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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

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2020 DEC 17 PM 1:02
PUBLIC UTILITY COMMISSION
FOR THE STATE OF TEXAS

ORDER

In this proceeding, Val Verde Utility Company, LLC seeks revocation of its certificate of convenience and necessity (CCN) number 13179 in Val Verde County. The Commission revokes Val Verde Utility's water CCN number 13179.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

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

Background

3. The water service area to be decertified consists of 3,103 acres and no customers.
4. Val Verde Utility obtained CCN number 13179.
5. Val Verde Utility was established by the officers of SE Ranch Holdings, Ltd., the original developer of the water service area to be decertified.
6. Val Verde Utility has not constructed a system to provide water service, has never provided water service, has no water customers, and has never had any water customers.
7. Val Verde Utility does not purchase water treatment capacity from any other source.
8. In October 2019, SE Ranch Holdings entered an agreement conveying the land covered by water CCN number 13179 to Val Verde County.

9. As part of the agreement and at the request of Val Verde County, Val Verde Utility filed this petition.

Petition

10. On April 20, 2020, Val Verde Utility filed its petition seeking Commission revocation of water CCN number 13179.
11. In Order No. 2 filed on August 20, 2020, the administrative law judge (ALJ) found the petition administratively complete.

Notice

12. On August 5, 2020, Val Verde Utility filed the affidavit of Megan Green, attorney for Val Verde Utility, attesting that notice of the petition was provided to the City of Del Rio, Del Rio Utilities Commission, and the Val Verde county judge.
13. On August 14, 2020, Val Verde Utility filed a publisher's affidavit attesting that notice of the petition was published in the *Del Rio News-Herald*, a newspaper of general circulation in Val Verde County, on August 5 and 12, 2020.
14. In Order No. 3 filed on August 26, 2020, the ALJ found the notice sufficient.

Evidentiary Record

15. On October 22, 2020, the parties filed an agreed motion to admit evidence.
16. In Order No. 4 filed on October 23, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) Val Verde Utility's petition and all attachments filed on April 20, 2020; (b) Commission Staff's recommendation on administrative completeness filed on July 9, 2020; (c) Val Verde Utility's response to Commission Staff's request for information filed on August 3, 2020; (d) Val Verde Utility's affidavit attesting to proof of notice filed on August 5, 2020; (e) Val Verde Utility's affidavit attesting to published notice filed on August 14, 2020; and (f) Commission Staff's recommendation on final disposition filed on October 1, 2020.

Consent of Certificate Holder—TWC § 13.254(a), (b) and 16 Texas Administrative Code (TAC) § 24.245(d)(1)(E).

17. Val Verde Utility has provided written consent to revoke its CCN.

New Service Provider—TWC § 13.254(c)

18. No utility will be required to serve the area because there are no customers in Val Verde Utility's service area.

Adequate Compensation—TWC § 13.254(d), (e), (f), (g)

19. Because Val Verde Utility has never had customers or facilities, and because there are no current plans for another utility to provide service to the certified area following the revocation of Val Verde Utility's CCN, no compensation for the certified area has been paid or is due to Val Verde Utility from another retail public utility.

Service After Decertification—TWC § 13.254(h)

20. There will be no service to the area after decertification, and none is required, because there are no customers in Val Verde Utility's certified area.

Circumstances of Decertification 16 TAC § 24.245(d)(1)(A), (d)(1)(E)

21. Val Verde Utility has never provided service in the service area and has consented in writing to the revocation.

Informal Disposition

22. More than 15 days have passed since the completion of the notice provided in this docket.
23. No person filed a protest or motion to intervene.
24. Val Verde Utility and Commission Staff are the only parties to this proceeding.
25. No party requested a hearing and no hearing is needed.
26. Commission Staff recommended that the petition be approved.
27. The 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 proceeding under TWC §§ 13.041 and 13.254.
2. Notice of the petition was provided in compliance with TWC § 13.246 and 16 TAC § 24.235(b).

3. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.
4. Val Verde Utility met the requirements of TWC § 13.254 and 16 TAC § 24.245 for revocation of its water CCN number 13179.
5. Under TWC § 13.254(h), after revocation of its CCN, Val Verde Utility will no longer be obligated to serve the certified area.
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

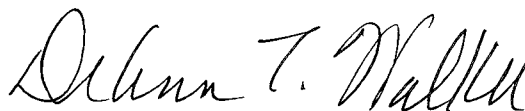
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission revokes Val Verde Utility's water CCN number 13179, effective the date of this Order.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

¹ Tex. Gov't Code §§ 2001.001–.903.

Signed at Austin, Texas the 17th day of December 2020.


PUBLIC UTILITY COMMISSION OF TEXAS



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER