



Control Number: 50913



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DOCKET NO. 50913



**PETITION OF SA GIVEN TO FLY, LP §
TO AMEND GREEN VALLEY §
SPECIAL UTILITY DISTRICT'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN GUADALUPE §
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 6
GRANTING STREAMLINED EXPEDITED RELEASE**

This Order grants to the petitioner, SA Given to Fly, LP, streamlined expedited release of the approximately 65-acre portion of an approximately 152-acre tract of land it owns from Green Valley Special Utility District's sewer certificate of convenience and necessity (CCN) number 20973 in Guadalupe County.¹ Following entry of this Order, the second phase of this docket—the determination of whether any compensation is owed by SA Given to Green Valley—will commence. At completion of the compensation phase, an order addressing compensation will be entered.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. SA Given is a Texas limited partnership registered with the Texas secretary of state under filing number 803503333.
2. SA Given owns a 152-acre tract of land, roughly 65 acres of which are within Guadalupe County, and roughly 87 acres of which are within Comal County.
3. The 65-acre portion in Guadalupe County lies within the boundaries of Green Valley's sewer CCN number 20973.

¹ While the 152-acre tract is located in both Guadalupe and Comal counties, the 65-acre portion that is the subject of the request for release is located only within Guadalupe County.

Petition

4. On June 8, 2020, SA Given filed its petition for streamlined expedited release of the 65-acre portion of its 152-acre tract from Green Valley's sewer CCN number 20973.
5. SA Given supplemented the petition on June 16, and July 23 and 28, 2020.
6. SA Given provided special warranty deeds confirming its ownership of the tract and maps confirming the tract's location.
7. The tract is not receiving sewer service from Green Valley, is owned by SA Given, is more than 25 acres, is partially within the boundaries of sewer CCN number 20973 held by Green Valley, and is partially located in Guadalupe County.
8. Guadalupe County is listed as a qualifying county approved for streamlined expedited release on the Commission's website.
9. The petition includes an affidavit from Blake G. Yantis, manager of SA Given, attesting, among other things, that the tract is not receiving sewer service from Green Valley.
10. In Order No. 3 filed on September 9, 2020, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

Notice

11. SA Given sent a true and correct copy of the petition, via certified mail, to Green Valley on June 8, 2020.
12. In Order No. 3 filed on September 9, 2020, the ALJ found the notice sufficient.

Intervention and Response to Petition

13. Green Valley has consented to, and does not oppose, the petition.
14. Green Valley did not file a request to intervene.

Sewer Service

15. Green Valley has not committed or dedicated facilities or lines providing sewer service to the tract.
16. Green Valley has not performed acts or supplied anything to the tract.
17. The 65-acre portion of SA Given's tract that is the subject to the request for release is not receiving sewer service from Green Valley.

Informal Disposition

18. More than 15 days have passed since the completion of notice in this docket.
19. Commission Staff and SA Given are the only parties to this proceeding.
20. No person filed a protest or motion to intervene.
21. No party requested a hearing and no hearing is needed.
22. Commission Staff recommended approval of the petition, as supplemented.
23. 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 Texas Water Code (TWC) §§ 13.254 and 13.2541.
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) §§ 22.55 and 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC § 13.2541 or 16 TAC § 24.245(h)(7).
4. Petitions for streamlined expedited release filed under TWC § 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC § 13.2541 and 16 TAC § 24.245(h) 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 service of the type that the current CCN holder is authorized to provide under the applicable CCN.
7. Guadalupe County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

8. The tract is not receiving sewer service under the standards of TWC §§ 13.002(21) and 13.2541 and 16 TAC § 24.245(h), as interpreted in *Texas Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
9. The Commission processed the petition in accordance with the TWC, the Administrative Procedure Act,² and Commission rules.
10. Under TWC § 13.257(r) and (s), Green Valley is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of Guadalupe County, and submit to the Commission evidence of the recording.
11. 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 removes the 65-acre portion of the 152-acre tract of land owned by SA Given from the certificated area under Green Valley's sewer CCN number 20973.
2. The Commission amends sewer CCN number 20973 in accordance with this Order.
3. The Commission's official service area boundary map for Green Valley's sewer CCN number 20973 will reflect this change as shown on the attached map.
4. The Commission grants the certificate attached to this Order.
5. Green Valley must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Guadalupe County affected by the petition and file in this docket evidence of the recording no later than 45 days after receipt of this Order.
6. The amount of compensation owed by SA Given to Green Valley, if any, will be determined by a separate order.
7. The procedural schedule specified in Order No. 3 remains in effect.

² Tex. Gov't Code §§ 2001.001–903.

8. A copy of this Order will be provided to Green Valley.
9. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 9th day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Isaac TA", written over a horizontal line.

ISAAC TA
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

Green Valley Special Utility District

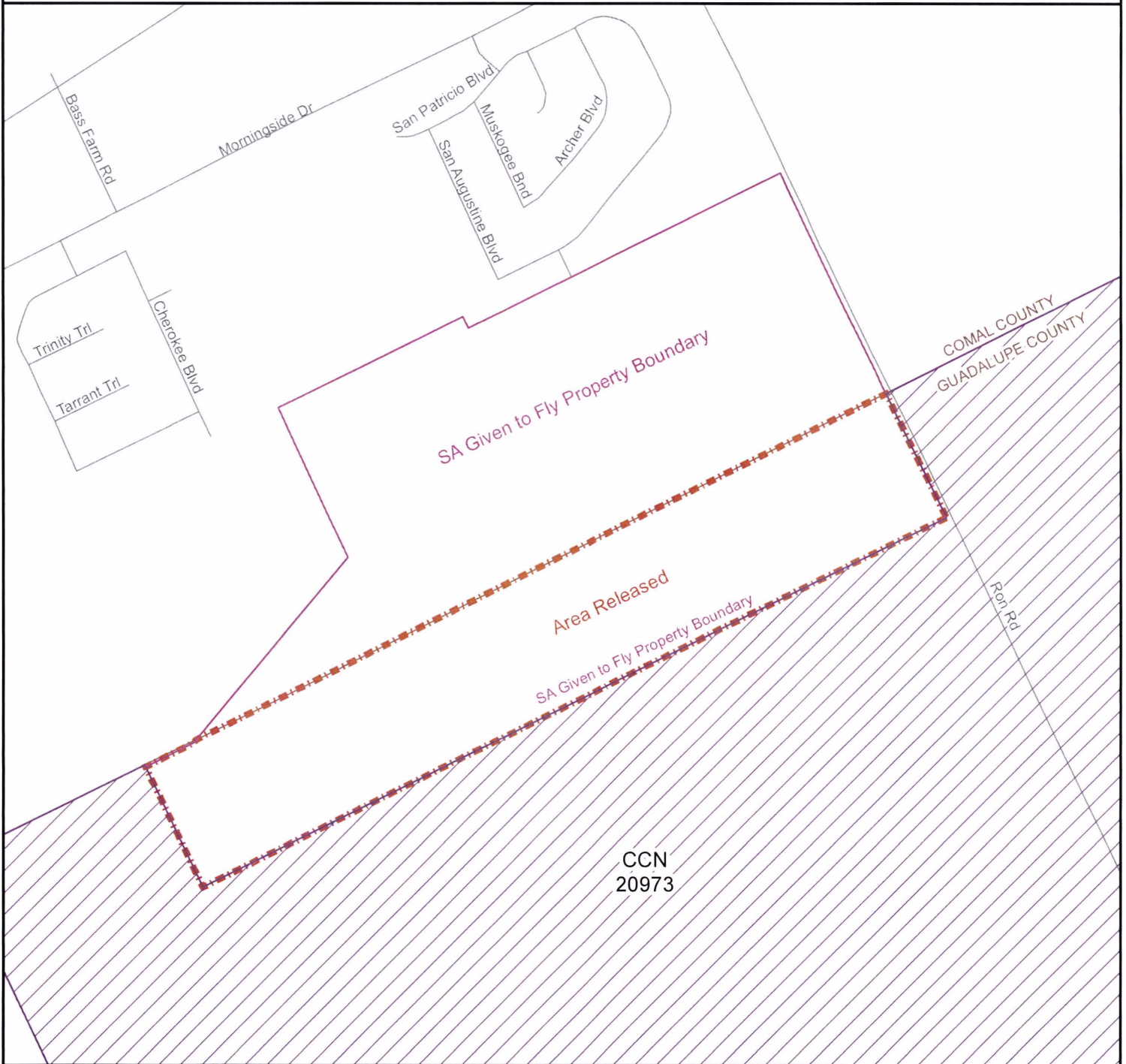
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Green Valley Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 20973

to provide continuous and adequate sewer utility service to that service area or those service areas in Bexar, Comal and Guadalupe County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50913 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 Green Valley 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 9th day of November 2020.


Green Valley SUD
Portion of Sewer CCN No. 20973
PUC Docket No. 50913
Petition by SA Given to Fly, LP to Amend
Green Valley SUD's CCN by Expedited Release in Guadalupe County



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

Sewer CCN

 20973 - Green Valley SUD

 Area Released

 Property Boundary

0 350 700
Feet



Map by: Komal Patel
Date created: October 5, 2020
Project Path: n:\finalmapping\
50913GreenValleySUD.mxd