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DOCKET NO. 51084

PETITION OF AMERICUS HOLDINGS, §  
LTD. TO AMEND GULF COAST §  
WASTE DISPOSAL AUTHORITY'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN CHAMBERS §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER NO. 3  
GRANTING STREAMLINED EXPEDITED RELEASE**

This Order grants to the petitioner, Americus Holdings, Ltd., streamlined expedited release of 187.099-acre tract of land from Gulf Coast Waste Disposal Authority's sewer certificate of convenience and necessity (CCN) number 20465 in Chambers County. Following entry of this Order, the second phase of this docket—the determination of whether any compensation is owed by Americus Holdings to Gulf Coast Waste—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. Americus Holdings is a domestic limited partnership registered with the Texas secretary of state under filing number 13362010.
2. Americus Holdings owns a 187.099-acre tract of land in Chambers County, which is located within the boundaries of Gulf Coast Waste's sewer CCN number 20465.

**Petition**

3. On July 20, 2020, Americus Holdings filed its petition for streamlined expedited release of its 187.099-acres tract from Gulf Coast Waste's sewer CCN number 20465.
4. Americus Holdings supplemented the petition on July 31, 2020.
5. Americus Holdings provided various deeds confirming its ownership of the tract and maps confirming the land's location.

6. The tract is not receiving sewer service from Gulf Coast Waste, is owned by Americus Holdings, is more than 25 acres, is within the boundaries of sewer CCN number 20465 held by Gulf Coast Waste, and is located in Chambers County.
7. Chambers County is listed as a qualifying county approved for streamlined expedited release on the Commission's website.
8. The petition includes an affidavit from Andrew Schatte, president of Americus Holdings, attesting, among other things, that the tract is not receiving sewer service from Gulf Coast Waste.
9. In Order No. 2 filed on August 21, 2020, the administrative law judge (ALJ) found the petition administratively complete.

**Notice**

10. Americus Holdings sent a true and correct copy of the petition, via certified mail, to Gulf Coast Waste on July 17, 2020.
11. In Order No. 2 filed on August 21, 2020, the ALJ found the notice sufficient.

**Intervention and Response to Petition**

12. Gulf Coast Waste did not file a request to intervene and did not respond to the petition.

**Sewer Service**

13. There is no evidence that Gulf Coast Waste has committed or dedicated facilities or lines providing sewer service to the tract.
14. There is no evidence that Gulf Coast Waste has performed acts or supplied anything to the tract.
15. The tract is not receiving sewer service from Gulf Coast Waste.

**Informal Disposition**

16. More than 15 days have passed since the completion of notice in this docket.
17. Commission Staff and Americus Holdings are the only parties to this proceeding.
18. No person filed a protest or motion to intervene.
19. No party requested a hearing and no hearing is needed.

20. Commission Staff recommended approval of the petition.
21. 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. Chambers County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
8. The tract is not receiving water 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,<sup>1</sup> and Commission rules.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001-.903.

10. Under TWC § 13.257(r) and (s), Gulf Coast Waste 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 Chambers 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 187.099-acre tract owned by Americus Holdings from the certificated area under Gulf Coast Waste's sewer CCN number 20465.
2. The Commission amends sewer CCN number 20465 in accordance with this Order.
3. The Commission's official service area boundary map for Gulf Coast Waste's sewer CCN number 20465 will reflect this change as shown on the attached map.
4. The Commission grants the certificate attached to this Order.
5. Gulf Coast Waste must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Chambers 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 Americus Holdings to Gulf Coast Waste, if any, will be determined by a separate order.
7. The procedural schedule specified in Order No. 2 remains in effect.
8. A copy of this Order will be provided to Gulf Coast Waste.
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 29th day of September 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE

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