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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**

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Recommendation on Final Disposition. Staff recommends that the petition be approved. In support thereof, Staff shows the following:

I. BACKGROUND

On July 20, 2020, Americus Holdings, Ltd. (Americus Holdings) filed a petition for streamlined expedited release of 187.099 acres within the boundaries of Gulf Coast Waste Disposal Authority's (GCWDA) sewer certificate of convenience and necessity (CCN) No. 20465 in Chambers County under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Americus Holdings asserts that the tract of land is at least 25 acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county. Americus Holdings supplemented its petition on July 31, 2020.

On August 21, 2020, the administrative law judge (ALJ) issued Order No. 2, finding the petition administratively complete, notice sufficient, and requiring Staff to file its recommendation on final disposition by September 11, 2020. Therefore, this pleading is timely filed.

II. STATUTORY APPROVAL DEADLINE

Under TWC § 13.2541(c), the Commission shall grant the petition for streamlined expedited release not later than the 60th day after the date the landowner files the petition. A petition is not considered filed until it is deemed administratively complete.¹ Americus Holdings'

¹ 16 TAC § 24.8(d) states that applications under subchapter H of chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete, which includes streamlined expedited releases under 16 TAC § 24.245(h).

petition was deemed administratively complete in Order No. 2, issued August 21, 2020. Therefore, the 60-day deadline for administrative approval is October 20, 2020.

III. FINAL RECOMMENDATION

Staff has reviewed the petition and supplemental information filed by Americus Holdings and, as detailed in the attached memorandum from Reginald Tuvilla, Infrastructure Division, recommends that the petition be approved. Staff recommends that Americus Holdings' petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property which Americus Holdings seeks streamlined expedited release is located in a qualifying county (Chambers County), is at least 25 acres in size, is not receiving sewer service, and is located within GCWDA's sewer certificated service area. In addition, Americus Holdings has provided deeds confirming its ownership of the property.

Accordingly, Staff recommends that Americus Holdings' petition for streamlined expedited release be approved. The final sewer CCN map and certificate are attached to this filing. Staff additionally recommends that the final map and certificate be provided to GCWDA and that GCWDA file a certified copy of the CCN map and a boundary description of the CCN service area in the Chambers County Clerk's office, as required under TWC § 13.257(r)-(s).

IV. CONCLUSION

Staff respectfully requests that Americus Holdings' petition be approved and that an order be issued consistent with the foregoing recommendations.

Dated: September 11, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 11, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison
Taylor P. Denison

Public Utility Commission of Texas

Memorandum

To: Taylor Denison, Attorney
Legal Division

From: Reginald Tuvilla, Infrastructure Analyst
Infrastructure Division

Date: September 11, 2020

Subject: **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*

On July 20, 2020, Americus Holdings, Ltd. (Petitioner) filed an application for expedited release from Gulf Coast Waste Disposal Authority's (GCWDA) sewer Certificate of Convenience and Necessity (CCN) No. 20465 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data pursuant to 16 TAC § 24.245(k). The map and digital data are sufficient for determining the locations of the requested release areas within GCWDA's certificated area. Mapping Staff was able to confirm the acreage of the subject property and determined that the requested areas are located within GCWDA's sewer CCN. Furthermore, the Petitioner provided warranty deeds confirming the Petitioner's ownership of the tracts of land within GCWDA's certificated area. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving sewer service from the CCN holder. The area being requested for expedited release is approximately 187 acres.

GCWDA did not request to intervene.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioner has met the Commission's requirements to allow for the release of the requested area from GCWDA's CCN No. 20465. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, Staff recommends that a final map and certificate be provided to the CCN holder. Pursuant to TWC §§ 13.257 (r)-(s), Staff further recommends that GCWDA file the following information in the Chambers County Clerk's office: (1) a certified copy of the CCN map; (2) a certified copy of the amended certificate; and (3) a boundary description of the CCN service area.