



Control Number: 51166



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PUC DOCKET NO. 51166

PETITION BY COLORADO RIVER PROJECT, LLC. FOR EXPEDITED RELEASE FROM CCN NO. 11978 AND CCN NO. 20650 NOW HELD BY SWWC UTILITIES, INC. d/b/a HORNSBY BEND UTILITY § **BEFORE THE PUBLIC UTILITY COMMISSION** § **OF TEXAS**

COLORADO RIVER PROJECT, LLC's FIRST AMENDED PETITION FOR STREAMLINED EXPEDITED RELEASE BY LANDOWNER FROM WATER AND SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Colorado River Project, LLC ("Petitioner"), pursuant to Texas Water Code § 13.2541 and Rule 24.245 of the PUC's Rules found at 16 Texas Administrative Code § 24.245 and, in support thereof, would respectfully show the following:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE ANN. § 13.2541(b). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release." *Id.* The PUC rule provides the same, and it recognizes that Travis County is a county in which owners of at least 25 acres are entitled to an expedited release. *See* 16 TEX. ADMIN. CODE § 24.245. Under Section 13.2541(c), the PUC "shall grant the petition not later than the 60th day after the date the landowner files the petition."

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns 5 tracts of land contained in the same warranty deed, which together is approximately 2,122.27 acres of property in Travis County of which Petitioner seeks the streamlined expedited release of only Tract 1 (Property). The Property (also referred to as "Parcel 1" on mapping) is within the boundaries of water CCN No. 11978 and sewer CCN No. 20650 held by SWWC Utilities, Inc. d/b/a Hornsby Bend Utility ("Hornsby"). The Property does not receive service from any water or sewer provider. Petitioner hereby incorporates all exhibits heretofore filed by it in the afore referenced matter

including all maps showing the location of the Property, along with the digital data previously filed by Petitioner, and the deed showing ownership of the Property.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541(b) entitles Petitioner to an expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Travis County. Under Section 13.2541(c), the PUC should grant this First Amended Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this First Amended Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that is within the boundaries of water CCN No. 11978 and Sewer CCN No. 20650.

Respectfully submitted,

/s/ John Scott

John Scott
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CERTIFICATE OF SERVICE

I hereby 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 October 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Scott

PUC DOCKET NO. 51166

PETITION BY COLORADO § BEFORE THE
RIVER PROJECT, LLC. §
FOR EXPEDITED RELEASE § PUBLIC UTILITY COMMISSION
FROM CCN NO. 11978 AND §
CCN NO. 20650 NOW HELD BY §
SWWC UTILITIES, INC. d/b/a §
HORNSBY BEND UTILITY § OF TEXAS

COLORADO RIVER PROJECT, LLC'S FIRST SUPPLEMENT TO THE FIRST AMENDED
PETITION FOR STREAMLINED EXPEDITED RELEASE BY LANDOWNER FROM WATER AND
SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Colorado River Project, LLC ("Petitioner"), pursuant to Texas Water Code § 13.2541 and Rule 24.245 of the PUC's Rules found at 16 Texas Administrative Code § 24.245 and, in support thereof, would respectfully show the following:

I. SER SUPPLEMENTAL AFFIDAVIT

Attached hereto and incorporated hereinafter as Exhibit 1 to this First Supplement to the First Amended Petition is the affidavit of Rohan Patel.

II. CONCLUSION

A copy of this First Supplemental Petition to the First Amended Petition together with the first amended affidavit and the First Amended Petition together with the Amended Petition for Streamlined Expedited Release are being sent certified mail, return receipt requested to SWWC Utilities, Inc. d/b/a Hornsby Bend Utility at 12535 Reed Rd., Sugar Land TX 77478-2837.

Respectfully submitted,

/S/ John Scott

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Franklin Scott Conway LLP
405 West 14th Street
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CERTIFICATE OF SERVICE

I hereby 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 October 29, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ John Scott

EXHIBIT 1

PETITION BY COLORADO §
RIVER PROJECT, LLC §
FOR EXPEDITED RELEASE §
FROM WATER CCN NO. 11978 §
AND SEWER CCN NO. 20650 §
HELD BY SWWC UTILITIES, INC. §
D/B/A HORNSBY BEND UTILITY §

BEFORE THE TEXAS

PUBLIC UTILITY COMMISSION

AFFIDAVIT OF ROHAN PATEL IN SUPPORT OF AMENDED PETITION FOR
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION
13.2541

STATE OF MO §

COUNTY OF
Montgomery §

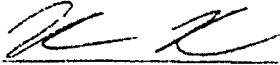
BEFORE ME, the undersigned notary, personally appeared Rohan Patel, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. "My name is Rohan Patel. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
2. I am an authorized representative of the Colorado River Project, LLC, ("Petitioner") the Petitioner in the above-captioned matter. Colorado River Project, LLC has authorized the filing of its Amended Petition for Expedited Release from the water and sewer Certificates of Convenience and Necessity No. 11978 and No. 20650 ("Petition") currently held by SWWC Utilities, Inc. d/b/a Hornsby Bend Utility ("Hornsby") pursuant to Texas Water Code § 13.2541.
3. Petitioner owns approximately 2,122.27 acres of land, a portion of which appears to be located within the boundaries of water and sewer Certificates of Convenience and Necessity No. 11978 and No. 20650 issued to Hornsby. This property is located in Travis County, Texas. The exhibits and mapping heretofore filed with the PUC by Petitioner in this matter number are all true and correct and hereby incorporated by reference as a part of the Amended Petition. In addition, Petitioner incorporates by reference Exhibit B heretofore filed with the PUC and which was attached to the original Petition representing true and correct copies of the maps identifying the property's location. Exhibit C attached to the original Petition and filed with the PUC in the afore referenced matter number is hereby incorporated by reference and is a true and correct copy of the deed demonstrating ownership of the property.
4. The property in question is not receiving water or sewer service from Hornsby or any other water or sewer service provider. The property has not requested water or sewer service from Hornsby or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the

property.

5. I request that the Public Utility Commission of Texas release Tract 1 consisting of approximately 1,369.83 acres of this property from water CCN No. 11978 and sewer CCN No. 20650."

FURTHER AFFIANT SAYETH NOT.



ROHAN PATEL, AFFIANT

SWORN AND SUBSCRIBED TO BEFORE ME by *[Signature]* on the *20th* day of October, 2020

[Signature]
Notary Public State of *TX*

