



Control Number: 51355



Item Number: 10

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**DOCKET NO. 51355**

**PETITION OF LDG001, LLC TO  
AMEND MOUNTAIN PEAK SPECIAL  
UTILITY DISTRICT'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN JOHNSON COUNTY BY  
EXPEDITED RELEASE**

**§ PUBLIC UTILITY COMMISSION  
§ OF TEXAS  
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**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 3, files this Recommendation on Final Disposition. Staff recommends that the petition be approved. In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 22, 2020, LDG001, LLC (LDG001) filed a petition for streamlined expedited release from Mountain Peak Special Utility District's (Mountain Peak) Water Certificate of Convenience and Necessity (CCN) number 10908 in Johnson County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Specifically, LDG001 seeks the streamlined expedited release of the portion of its 48-acre tract of land that lies within the boundaries of Mountain Peak's water CCN No. 10908.

On September 29, 2020, Mountain Peak filed a motion to intervene in this proceeding. On October 7, 2020, Order No. 2 was issued, granting the motion to intervene. On October 23, 2020, Order No. 3 was issued, finding the petition administratively complete and establishing a deadline of November 24, 2020 for Staff to file its recommendation on final disposition. 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.<sup>1</sup> LDG001's petition was deemed administratively complete in Order No. 3, issued October 23, 2020. Therefore, the 60-day deadline for administrative approval is December 22, 2020.

### **III. FINAL RECOMMENDATION**

As supported by the attached memorandum from Alicia Maloy, Infrastructure Division, Staff recommends that the petition be approved. Staff recommends that LDG001's petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property which LDG001 seeks streamlined expedited release is located in a qualifying county (Johnson County), is at least 25 acres in size, is not receiving sewer service, and is at least partially located in the Mountain Peak's water-certificated service area. In addition, LDG001 has provided deeds confirming its ownership of the property.

Accordingly, Staff recommends that LDG001's petition for streamlined expedited release be approved. The final water CCN map and certificate are attached to this filing. Staff additionally recommends that the final map and certificate be provided to Mountain Peak and that Mountain Peak file a certified copy of the CCN map and a boundary description of the CCN service area in the Johnson County Clerk's office, as required under TWC § 13.257(r)-(s).

### **IV. CONCLUSION**

Staff respectfully requests that LDG001's petition be approved and that an order be issued consistent with the foregoing recommendations.

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<sup>1</sup> 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).

Dated: November 24, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rashmin J. Asher  
Managing Attorney

/s/ Megan Chalifoux \_\_\_\_\_  
Megan Chalifoux  
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**DOCKET NO. 51355**

**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 November 24, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux \_\_\_\_\_  
Megan Chalifoux

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Megan Chalifoux, Attorney  
Legal Division

**FROM:** Alicia Maloy, Senior Infrastructure Analyst  
Infrastructure Division

**DATE:** November 24, 2020

**RE:** Docket No. 51355 – *Petition of LDG001, LLC to Amend its Certificate of Convenience and Necessity in Johnson County by Expedited Release*

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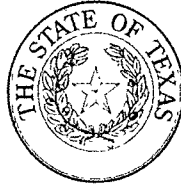
On September 22, 2020, LDG001, LLC (Petitioner) filed an application for expedited release from Mountain Peak Special Utility District's (Mountain Peak) water certificate of convenience and necessity (CCN) No. 10908 in Johnson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Johnson County, which is a qualifying county. Mountain Peak requested to intervene.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data under 16 TAC § 24.245(k). The map and digital data are sufficient for determining the locations of the requested release areas within Mountain Peak's certificated area. Mapping Staff was able to confirm the acreage of the subject property and determined that the requested areas are located within Mountain Peak's water CCN. Furthermore, the Petitioner provided warranty deeds confirming the Petitioner's ownership of the tracts of land within Mountain Peak's certificated area. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder. The area being requested for expedited release is approximately 48 acres.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioners have met the Commission's requirements to allow for the release of the requested area from Mountain Peak's CCN No. 10908. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder. Pursuant to TWC §§ 13.257 (r)-(s), I further recommend that Mountain Peak file the following information in the Johnson 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.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Mountain Peak Special Utility District**

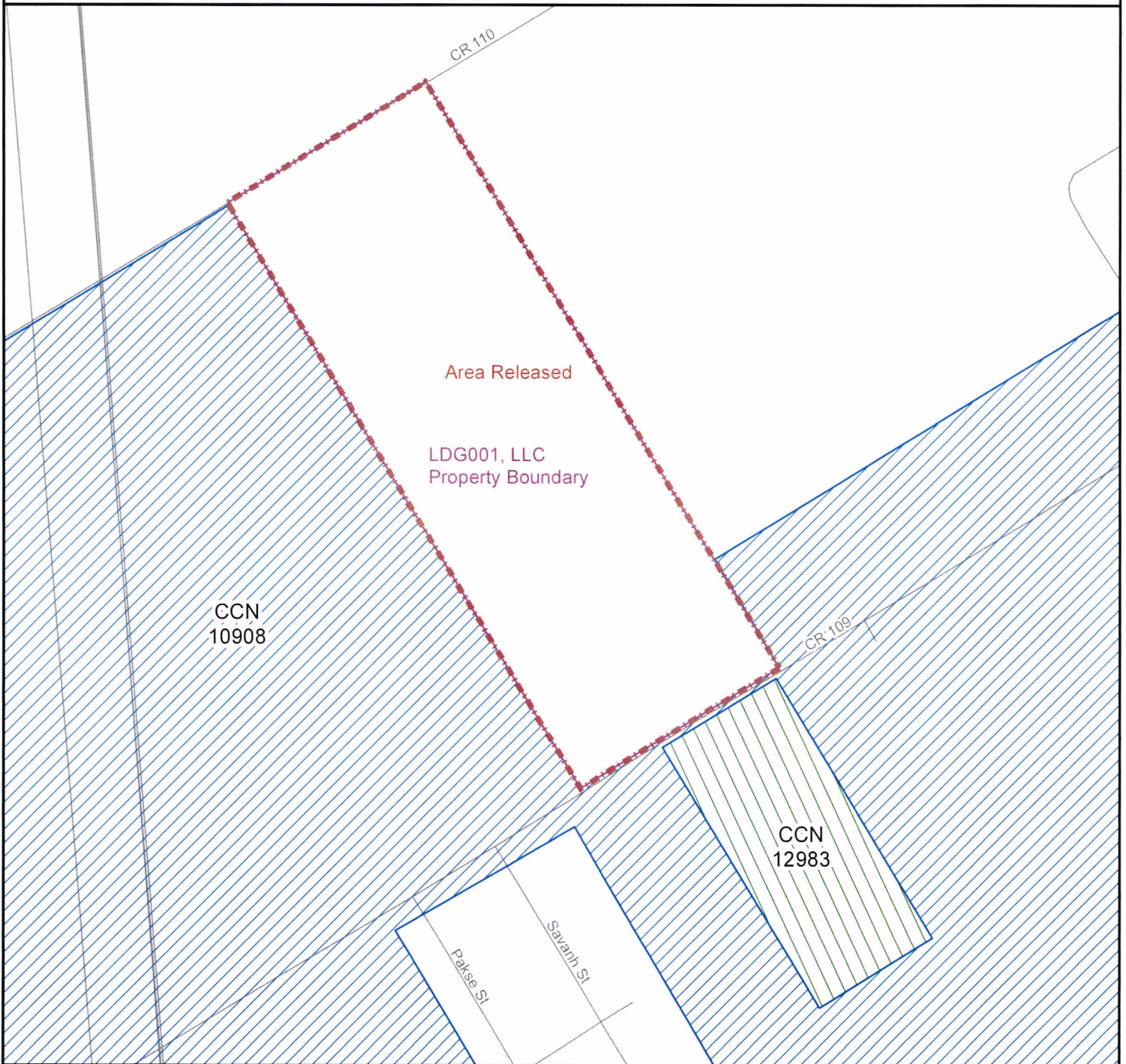
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Mountain Peak Special Utility District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

### **Certificate of Convenience and Necessity No. 10908**

to provide continuous and adequate water utility service to that service area or those service areas in Ellis and Johnson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51355 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 Mountain Peak 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 \_\_\_\_\_ day of \_\_\_\_\_ 2020.



Mountain Peak Special Utility District  
Portion of Water CCN No. 10908  
PUC Docket No. 51355  
Petition by LFG001, LLC to Amend  
Mountain Peak Special Utility District's CCN by Expedited Release in Johnson County

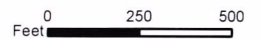


Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  10908 - Mountain Peak SUD
-  12983 - Monarch Utilities I LP

-  Area Released
-  Property Boundary



Map by: Komal Patel  
Date created: November 9, 2020  
Project Path: n:\finalmapping\  
51355MountainPeakSUD.mxd