



Control Number: 51367



Item Number: 17

Addendum StartPage: 0

DeAnn T. Walker
Chairman

Arthur C. D'Andrea
Commissioner

Shelly Botkin
Commissioner

John Paul Urban
Executive Director



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Greg Abbott
Governor

Public Utility Commission of Texas

TO: DeAnn T. Walker, Chairman
Arthur C. D'Andrea, Commissioner
Shelly Botkin, Commissioner

All Parties of Record

FROM: Katie Moore
Administrative Law Judge *KCM*

RE: **Open Meeting of December 17, 2020**
Docket No. 51367 – *Petition of Destiny Development, LLC, on Behalf of Cyd Bailey, to Amend West Wise Special Utility District's Certificate of Convenience and Necessity in Wise County by Expedited Release*

DATE: December 9, 2020

The Commission will consider a proposed order in this docket at an open meeting currently scheduled to begin at 9:30 a.m. on Thursday, December 17, 2020, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas.

On December 7, 2020, Commission Staff and Destiny Development, LLC filed responses to the proposed order, which identified no corrections or exceptions to the proposed order.

On December 7, 2020, West Wise Special Utility District filed exceptions to the proposed order, opposing the petition because it was not filed by the landowner, but by Destiny Development, and because West Wise asserts that it has provided "service" as defined by the Texas Water Code to the tract in question. I disagree. As discussed and analyzed in the proposed order, Cyd Bailey, the landowner of the tract in question, signed a declaration under penalty of perjury authorizing Destiny Development to seek the streamlined expedited release for the tract in question. Furthermore, the evidence provided by Destiny Development establishes that the tract in question is not receiving water service under the standards of TWC §§ 13.002(21) and 13.2541, and 16 Texas Administrative Code § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*.¹

¹ 449 S.W.3d (Tex. App.—Austin 2014, pet. denied)



For these reasons provided in the proposed order filed on November 16, 2020, I conclude that no changes to the proposed order are warranted, and it remains ready for the Commission's consideration.

/lsw

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