



Control Number: 51423



Item Number: 4

Addendum StartPage: 0



PUC DOCKET NO. 51423

PETITION BY WEST BASTROP § BEFORE THE
VILLAGE, LTD FOR EXPEDITED §
RELEASE FROM WATER CCN § PUBLIC UTILITY COMMISSION
NO. 10294 HELD BY AQUA §
WATER SUPPLY CORPORATION § OF TEXAS

FILING OF CORRECTED PETITION AND AFFIDAVIT

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, West Bastrop Village, Ltd. (Petitioner), and files this Filing of Corrected Petition and Affidavit with the Public Utility Commission of Texas (PUC). The original Petition and Affidavit incorrectly identified the acreage of the Property to be released as 547.9 acres. The correct acreage for the Property is 546.518 acres. The attached Petition and Affidavit should replace the original Petition and Exhibit A to the Petition. The remaining documents and mapping data filed with the original Petition correctly identify the acreage of the Property as 546.518 acres.

Respectfully submitted,

Emily W. Rogers
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Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: Emily W. Rogers
Emily W. Rogers

4

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 9th day of November, 2020, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record.

Emily W. Rogers

Emily W. Rogers

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**CORRECTED PETITION BY WEST BASTROP VILLAGE LTD. FOR EXPEDITED
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, West Bastrop Village, Ltd. (Petitioner), and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Aqua Water Supply Corporation's (Aqua) water certificate of convenience and necessity (CCN) No. 10294 pursuant to Texas Water Code Section 13.2541 and 16 Texas Administrative Code (TAC) § 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 rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Bastrop County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TAC § 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 approximately 346.518 acres of contiguous property in Bastrop County (Property). The Property is within the boundaries of water CCN No. 10294 held by Aqua. The Property does not receive service from any water provider. An affidavit in support of this Petition is attached hereto as **Exhibit A**. Maps showing the location of the Property, along with the digital data, are attached hereto as **Exhibit B**. The deed showing ownership of the Property is attached hereto as **Exhibit C**. A copy of this Petition has been mailed to Aqua via certified mail.

Aqua has agreed to the decertification and has already been compensated by virtue of Aqua's provision of wholesale water through the City of Bastrop to the Petitioner. The Joint Filing between Aqua and Petitioner, a copy of which is attached to this Petition as **Exhibit D**, verifies that Aqua and the Petitioner have reached an agreement as to compensation and that Aqua has received such compensation. The Joint Filing is being filed with the PUC simultaneously with this Petition.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to 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 Bastrop County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60th day after the date of filing, and declare that Aqua and the Petitioner have agreed to compensation and such compensation has been paid to Aqua. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing the Property from water CCN No. 10294 and finding that Aqua and the Petitioner agreed to compensation pursuant to 16 TAC § 24.245(i)(1) and that compensation has been paid to Aqua.

Respectfully submitted,

Emily W. Rogers
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Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 9th day of November, 2020, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Aqua Water Supply Corporation, 415 Old Austin Hwy, Drawer P, Bastrop, TX 78602.

Emily W. Rogers
Emily W. Rogers

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WATER SUPPLY CORPORATION	§	OF TEXAS

**AFFIDAVIT FOR PETITION BY WEST BASTROP VILLAGE LTD. FOR
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

1. “My name is Myra J. Goepf. 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 the manager of WBV GP, LLC, which is the general partner of West Bastrop Village, Ltd., a Texas limited partnership, the Petitioner in the above-captioned matter. West Bastrop Village, Ltd. owns approximately 346.518 acres of land, which is located within the boundaries of water Certificate of Convenience and Necessity No. 10294 issued to Aqua Water Supply Corporation. This property is located in Bastrop County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN. Exhibit C attached to this Petition is a true and correct copy of the deed demonstrating ownership of the tract.
3. The property in question is not receiving water service from Aqua Water Supply Corporation or any other water service provider. The property has not requested water service from Aqua Water Supply Corporation or paid any fees or charges to initiate or maintain water, and there are no billing records or other documents indicating an existing account for the property.
4. I request that the Public Utility Commission on Texas release this property from water CCN No. 10294.”

FURTHER AFFIANT SAYETH NOT.

WEST BASTROP VILLAGE, LTD.

a Texas limited partnership

By: WBV GP, LLC

a Texas limited liability company, general partner

By: Myra J. Goepf
Myra J. Goepf, Manager

SWORN AND SUBSCRIBED TO BEFORE ME by Myra Goepf on
November 9, 2020.

Sherry Spence
Notary Public State of Texas

