



Control Number: 51455



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DOCKET NO. 51455

RECEIVED

PETITION OF CLAY ROAD 628 §
DEVELOPMENT, LP TO AMEND §
T&W WATER SERVICE COMPANY §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

2021 APR -1 PM 1:31
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

On October 22, 2020, Clay Road 628 Development, LP (Clay Road) filed a petition with the Public Utility Commission of Texas (Commission) to amend T&W Water Service Company (T&W)'s water certificate of convenience and necessity (CCN) in Montgomery County by streamlined expedited release. Clay Road seeks the expedited release of the portion of its 269-acre tract that lies within the boundaries of T&W's water CCN number 12892. The petition included a copy of a settlement agreement and joint filing from Clay Road and T&W regarding compensation. Clay Road amended its petition on March 2 and March 26, 2021.

On March 3, 2021, Order No. 4 in this proceeding was filed, requiring Commission Staff (Staff) to file a supplemental recommendation on the administrative completeness of the amended petition and notice by April 1, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Clay Road's amended petition and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the amended petition satisfies all applicable requirements under 16 Texas Administrative Code (TAC) § 24.245(h). Therefore, Staff recommends that the amended application be found administratively complete for further processing.

II. SUFFICIENCY OF NOTICE

Under 16 TAC § 24.245(h)(3)(F), a landowner's petition for streamlined expedited release must include proof that a copy of the petition was provided to the CCN holder via certified mail on the day that the petition was filed with the Commission. On October 22, 2020, Clay Road's petition included a signed statement that a copy of the petition was mailed to T&W on October 22,

2020 in accordance with 16 TAC § 24.245(h)(3)(F). Therefore, Staff recommends that notice be found sufficient and that no additional notice be required.

III. CONCLUSION

Staff recommends that Clay Road's amended petition for streamlined expedited release be found administratively complete and that no additional notice be required. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: April 1, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/Courtney Dean
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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 April 1, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean

Courtney N. Dean

Public Utility Commission of Texas

Memorandum

TO: Courtney Dean, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: April 1, 2021

RE: Docket No. 51455 – *Petition of Clay Road 628 Development, LP to Amend T&W Water Service Company's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On October 22, 2020, Clay Road 628 Development, LP (Clay Road) filed an application for expedited release from T&W Water Service Company's (T&W) water certificate of convenience and necessity (CCN) No. 12892 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Clay Road asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

Clay Road submitted a sworn affidavit attesting that the property was not receiving water from T&W and a warranty deed confirming Clay Road's ownership of the tract of land. In addition, Clay Road submitted sufficient maps and digital data for determining the location of the requested release area within T&W's certificated service area. The requested area to be released from T & W is approximately 268 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to T&W on the date the petition was filed with the Commission.

On February 11, 2021, Chairman D'Andrea filed a memorandum in the docket suggesting that Clay Road remove a small portion of land where certain T&W facilities are located from the requested area in order to distinguish this application from Clay Road's previous failed attempt to secure release of the requested area in Docket No. 50261.¹ Accordingly, on March 2, 2021 and March 26, 2021, Clay Road filed revised mapping data which excludes the land subject to T&W's facilities easements from the requested area in order to distinguish the current petition from the prior petition in Docket No. 50261.

¹ *Petition of Clay Road 628 Development, LP to amend T&W Water Service Company's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*, Docket No. 50261, Order Denying Streamlined Expedited Release (Apr. 29, 2020).

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information provided by Clay Road, I recommend the petition be deemed administratively complete and accepted for filing.