



Control Number: 51799



Item Number: 3

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**DOCKET NO. 51799**

**PETITION OF WUSF 5 ROCK CREEK  
EAST, LP AND WALTON TEXAS, LP  
TO AMEND JOHNSON COUNTY  
SPECIAL UTILITY DISTRICT'S  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN TARRANT  
COUNTY BY EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

FILED  
2021 MAR -5 PM 4:27  
FBI  
PHILIP S. GILKIN

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND PROPOSED NOTICE**

On February 5, 2021, WUSF 5 Rock Creek East, LP and Walton Texas, LP (collectively, Petitioners) filed a petition for streamlined expedited release of approximately 833 acres of land within the boundaries of the Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

On February 9, 2021, Order No. 1 was filed, establishing a deadline of March 5, 2021, for the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on administrative completeness and proposed notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Alicia Maloy of the Commission's Infrastructure Division, Staff has identified deficiencies in the petition's mapping content. Accordingly, Staff recommends that the petition be deemed administratively incomplete and that Petitioners be given a deadline to cure the deficiencies in the mapping content.

**II. SUFFICIENCY OF NOTICE**

Under 16 TAC § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner files the petition with the Commission.

The certificate of service included with the Petitioners' filing states that a copy of its petition was sent by certified mail to the CCN holder, Johnson County SUD, on February 5, 2021, which is the same day the petition was filed with the Commission. Accordingly, Staff recommends that the notice be found sufficient.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Deadline for the Petitioners to file information to cure the mapping deficiencies identified in Staff's memorandum	April 5, 2021
Deadline for Staff to file a supplemental recommendation on sufficiency of the petition and to propose a procedural schedule	May 5, 2021

### **IV. CONCLUSION**

Staff respectfully requests that the petition be found admiratively incomplete, that notice of the petition be deemed sufficient, and that the proposed procedural schedule be adopted.

Dated: March 5, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
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Eleanor D'Ambrosio  
Managing Attorney

/s/ John Harrison

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**DOCKET NO. 51799**

**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 March 5, 2021, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison

John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

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

**DATE:** March 5, 2021

**RE:** Docket No. 51799 – *Petition of WUSF 5 Rock Creek East, LP and Walton Texas, LP to Amend Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County by Expedited Release*

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On February 5, 2021, WUSF 5 Rock Creek East, LP and Walton Texas, LP (Petitioners) filed an application for streamlined expedited release from Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

The Petitioners submitted a sworn affidavit attesting that the property was not receiving water service from Johnson County SUD and a warranty deed confirming the Petitioners' ownership of the tract of land. The petition also includes certificate of service stating that a copy of the petition was sent via certified mail to Johnson County SUD on the date the petition was filed with the Commission.

The petition indicates that the subject property requested to be released is approximately 833 acres. Based on the mapping review by Gary Horton, Infrastructure Division, it was determined that the maps and digital data included in the petition do not total approximately 833 acres, but rather approximately 361 acres.

Based on the mapping review by Gary Horton, and my technical and managerial review of the information provided by the Petitioners, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

### **Mapping Content:**

The Petitioners must submit the following item to resolve the mapping deficiencies:

- A general location map identifying only the subject property, in reference to the nearest county boundary, city, or town.

- A detailed map identifying only the subject property, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the subject property, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.