



Filing Receipt

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DOCKET NO. 51933

PETITION OF MONTGOMERY	§	PUBLIC UTILITY COMMISSION
ESTATES, LLC TO AMEND CC	§	
WATER WORKS, INC.’S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN CHAMBERS	§	
COUNTY BY EXPEDITED RELEASE	§	

COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release of an approximately 98.9 acre portion of its 100 acre tract that lies within CC Water Works, Inc.’s (CC Water) water certificate of convenience and necessity (CCN) number 13038 in Chambers County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Chambers County, which is a qualifying county. On May 26, 2021, Montgomery Estates filed supplemental information.

On June 29, 2021, the administrative law judge (ALJ) filed Order No. 4, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition by August 2, 2021. Therefore, this pleading is timely filed.

I. STATUTORY APPROVAL DEADLINE

Under TWC § 13.2541(c), the Commission shall grant a 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.¹ Montgomery Estates’ supplemented petition was deemed administratively complete in Order No. 4, filed June 29, 2021. Therefore, the 60-day deadline for administrative approval is August 27, 2021.

II. FINAL RECOMMENDATION

Staff has reviewed the supplemented petition and, as detailed in the attached memorandum from Pai Liu of the Infrastructure Division, recommends that the petition be approved. Staff

¹ 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).

recommends that the petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property for which Montgomery Estates seeks streamlined expedited release is located in a qualifying county (Chambers County), is at least 25 acres in size, is not receiving water service, and is located within CC Water's water certificated service area. In addition, Montgomery Estates has provided a deed confirming its ownership of the property.

Accordingly, Staff recommends that the 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 CC Water and that CC Water file a certified copy of the CCN map and a boundary description of the CCN service area in the Chambers County Clerk's office, as required under TWC § 13.257(r)-(s).

III. CONCLUSION

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

Dated: August 2, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
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/s/ Arnett D. Caviel
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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 August 2, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: August 2, 2021

RE: Docket No. 51933 – *Petition of Montgomery Estates, LLC to Amend CC Water Works, Inc. 's Certificate of Convenience and Necessity in Chambers County by Expedited Release*

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release from CC Water Works, Inc.'s (CC Water) water certificate of convenience and necessity (CCN) No. 13038 in Chambers County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Chambers County, which is a qualifying county.

Montgomery Estates submitted a sworn affidavit attesting that the property was not receiving water service from CC Water and a warranty deed confirming Montgomery Estates' ownership of the tract of land. In addition, Montgomery Estates submitted sufficient maps and digital data for determining the location of the tract of land within CC Water's certificated service area. The tract of land is approximately 100 acres. The area to be released from CC Water's CCN No. 13038 is approximately 98.9 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to CC Water Works, Inc. on the date the petition was filed with the Commission.

On July 19, 2021, CC Water submitted a response to the administratively complete petition, requesting that the petition be denied. CC Water also stated if the petition is not denied it has a right to a determination of the monetary amount of compensation and proper payment of compensation.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Montgomery Estates has met the Commission's requirements to allow for the release of the tract of land from CC Water's CCN No. 13038. 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.



Public Utility Commission of Texas

By These Presents Be It Known To All That

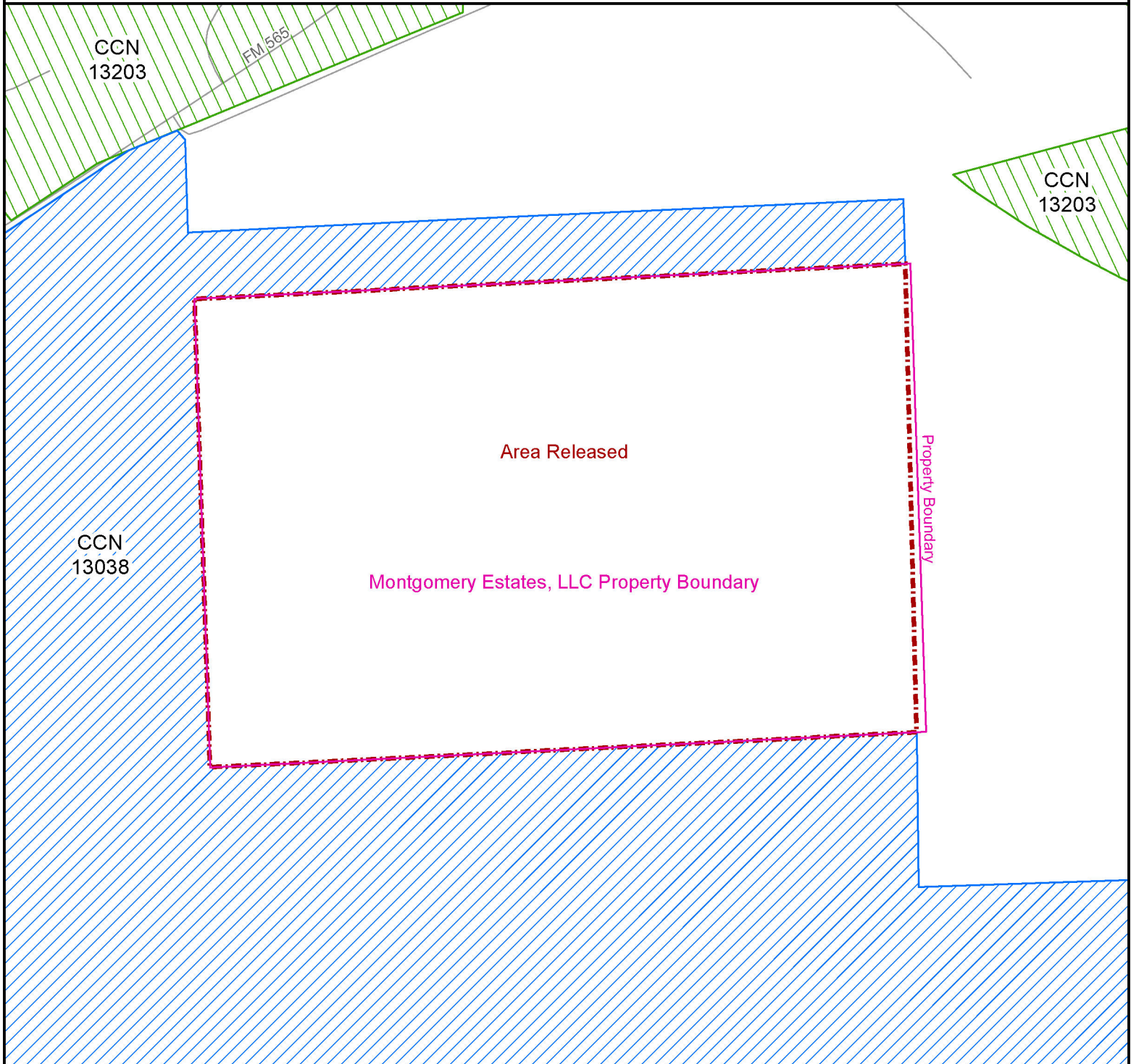
CC Water Works, Inc.

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, CC Water Works, Inc. is entitled to this

Certificate of Convenience and Necessity No. 13038



to provide continuous and adequate water utility service to that service area or those service areas in Chambers County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51933 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 CC Water Works, Inc. 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.

CC Water Works, Inc.
Portion of Water CCN No. 13038
PUC Docket No. 51933
Petition by Montgomery Estates, LLC to Amend
CC Water Works, Inc.'s CCN by Expedited Release in Chambers County



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

Water CCN

-  13038 - CC Water Works Inc
-  13203 - Aqua Texas Inc

-  Area Released
-  Property Boundary

0 250 500
Feet



Map by: Komal Patel
Date: July 26, 2021
Project: 51933CCWW.mxd