



Filing Receipt

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DOCKET NO. 51998

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| APPLICATION OF THE CITY OF | § | PUBLIC UTILITY COMMISSION |
| BURLESON TO AMEND ITS | § | |
| CERTIFICATE OF CONVENIENCE | § | OF TEXAS |
| AND NECESSITY IN JOHNSON | § | |
| COUNTY | § | |

COMMISSION STAFF'S FINAL RECOMMENDATION

On April 8, 2021, the City of Burleson (Burleson) filed an application to amend its sewer certificate of convenience and necessity (CCN) number 20358 in Johnson County, Texas. Burleson seeks to decertify 7,667 acres having no current customers from its certificated sewer service area. On June 2, 2021, Burleson filed supplemental information to the docket.

On July 8, 2022, the administrative law judge (ALJ) filed Order No. 9, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a final recommendation on the application by July 12, 2022. Therefore, this pleading is timely filed.

I. STAFF'S RECOMMENDATION

As detailed in the attached memorandum from Jolie Mathis, of the Infrastructure Division, Staff has reviewed the application and all supplemental information that has been provided and recommends that the application be approved. The certificate and map that Burleson consented to in their consent form filed on October 18, 2021, are attached. The parties will file a joint proposed findings of fact and conclusions of law by July 28, 2022, in accordance with the procedural schedule established in Order No. 9.

II. CONCLUSION

For the reasons discussed above, Staff recommends that the application be approved.

Dated: July 12, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

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/s/ Andy Aus
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**DOCKET NO. 51998
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 on July 12, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: July 12, 2022

RE: Docket No. 51998 – *Application of the City of Burleson to Amend its Certificate of Convenience and Necessity in Johnson County*

1. Application

On April 8, 2021, City of Burleson (Burleson) filed with the Public Utility Commission of Texas (Commission) an application to decertify a portion of its sewer CCN No. 20358 in Johnson County, Texas under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d).

Burleson is seeking to amend its sewer CCN for the service area containing 0 current customers and approximately 7,664 acres to be decertified from CCN No. 20358.

2. Notice

The deadline to intervene was August 22, 2021; a motion to intervene was submitted and a request to opt-out was received. The motion to intervene was withdrawn. The opt-out request does not apply as this application is for the decertification of an area.

3. Factors Considered

Under TWC § 13.250 and 16 TAC § 24.245, the Commission must consider certain factors when decertifying a portion of a sewer CCN. Therefore, the following factors were considered.

3.1. *Consideration of whether the Applicant qualifies for decertifying a portion of its sewer CCN (16 TAC § 24.245(d)(1)).*

Burleson has never provided sewer service to any customers in the requested area. Burleson has not received any requests for sewer service in the requested area.

3.2. *Consideration of the effect of granting the decertification on the current CCN holder, any existing customers, and the landowners in the area (16 TAC § 24.245(d)(2)(C)).*

Burleson will not be required to provide continuous and adequate service to the requested area. Burleson does not own any facilities in the requested area. There are no current customers.

3.3. *Consideration of the Applicant's ability to serve continuous and adequate service to all remaining customers within its certificated area (TWC § 13.250(a)).*

Decertification of the requested area will not impact Burleson's ability to serve the remaining customers in its certificated area. The remaining customers are served by separate sewer systems outside of the requested area.

3.4 *Consideration of whether the requested area will be adversely impacted in the present or future (TWC § 13.250(b)).*

Burleson has no customers and owns no facilities in the requested area so the service to the requested area will not be discontinued, reduced, or impaired. New facilities would need to be constructed by a future CCN holder to serve the area.

3.5. *Compensation from a prospective retail public utility (16 TAC § 24.245(d)(2)(F)).*

The provisions of 16 TAC § 24.245(d)(2)(F) makes clear that Burleson is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

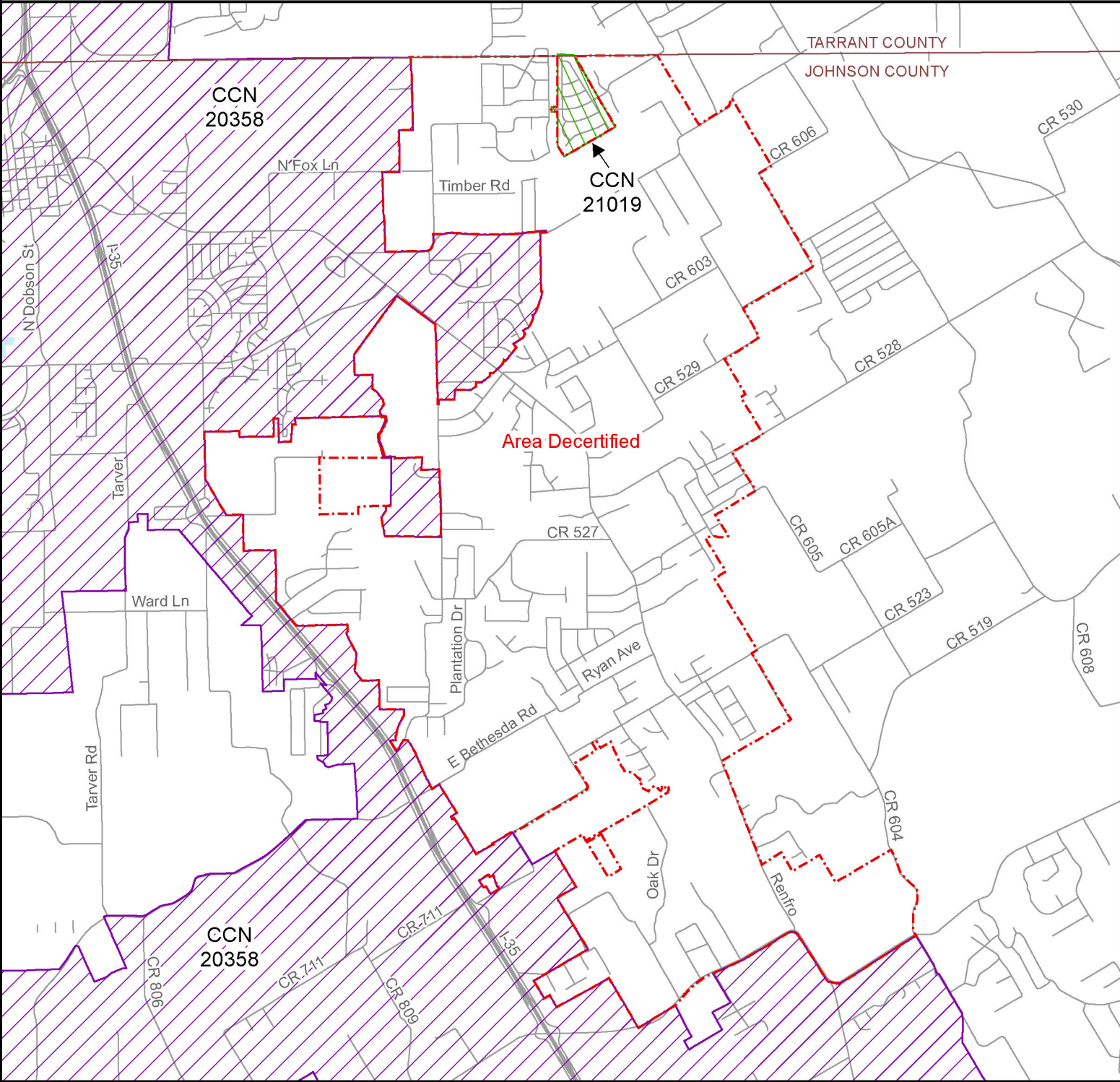
Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review, I recommend that Burleson meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations, is capable of providing continuous and adequate service to its remaining customers and approving this application to decertify a portion of its CCN No. 20358 is necessary.

Burleson consented to the maps and certificates on October 18, 2021.

4. Recommendation

Based on the above information, I recommend that Burleson meets all of the statutory requirements of TWC Chapter 13 and the Commission's Chapter 24 rules and regulations and is capable of providing continuous and adequate service to its remaining customers. I also recommend that approving this application to decertify a portion of its CCN No. 20358 is necessary.

City of Burleson
Portion of Sewer CCN No. 20358
PUC Docket No. 51998
Decertified a Portion of CCN No. 20358 in Johnson County





Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Burleson

having obtained certification to provide sewer 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, City of Burleson, is entitled to this

Certificate of Convenience and Necessity No. 20358

to provide continuous and adequate sewer utility service to that service area or those service areas in Johnson and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51998 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 City of Burleson, 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.