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DOCKET NO. 52090

PETITION OF REDBIRD	§	PUBLIC UTILITY COMMISSION
DEVELOPMENT, LLC TO AMEND	§	
DOBBIN PLANTERSVILLE WATER	§	OF TEXAS
SUPPLY CORPORATION’S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY EXPEDITED RELEASE	§	

COMMISSION STAFF’S FINAL RECOMMENDATION

On May 6, 2021, Redbird Development, LLC (Redbird) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin) water certificate of convenience and necessity (CCN) number 11052 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Redbird asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Redbird filed supplemental information on May 28, 2021.

On June 24, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of July 28, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its recommendation on final disposition. Therefore, this pleading is timely filed.

I. FINAL RECOMMENDATION

After review, and as supported by the attached memorandum of Patricia Garcia of the Infrastructure Division, Staff recommends approval of the application. Staff’s review indicates that Redbird meets the requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code, to allow for the release of the tract of land from Dobbin’s CCN number 11052.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Redbird’s petition be approved.

Dated: July 28, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Phillip Lehmann
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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 July 28, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: July 28, 2021

RE: Docket No. 52090 – *Petition of Redbird Development, LLC to Amend Dobbin Plantersville Water Supply Corporation's Water Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On May 6, 2021, Redbird Development, LLC (Redbird) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin) water certificate of convenience and necessity (CCN) No. 11052 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Redbird 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.

Gary Horton, of the Infrastructure Division, determined that the map and digital data are sufficient for determining the location of the tract of land considered for streamlined expedited release and that the tract is located within Dobbin's water CCN. Furthermore, Redbird provided a warranty deed confirming ownership of the tract of land within Dobbin's certificated service area. In addition, Redbird submitted a sworn affidavit attesting that the property was not receiving water service from the CCN holder.

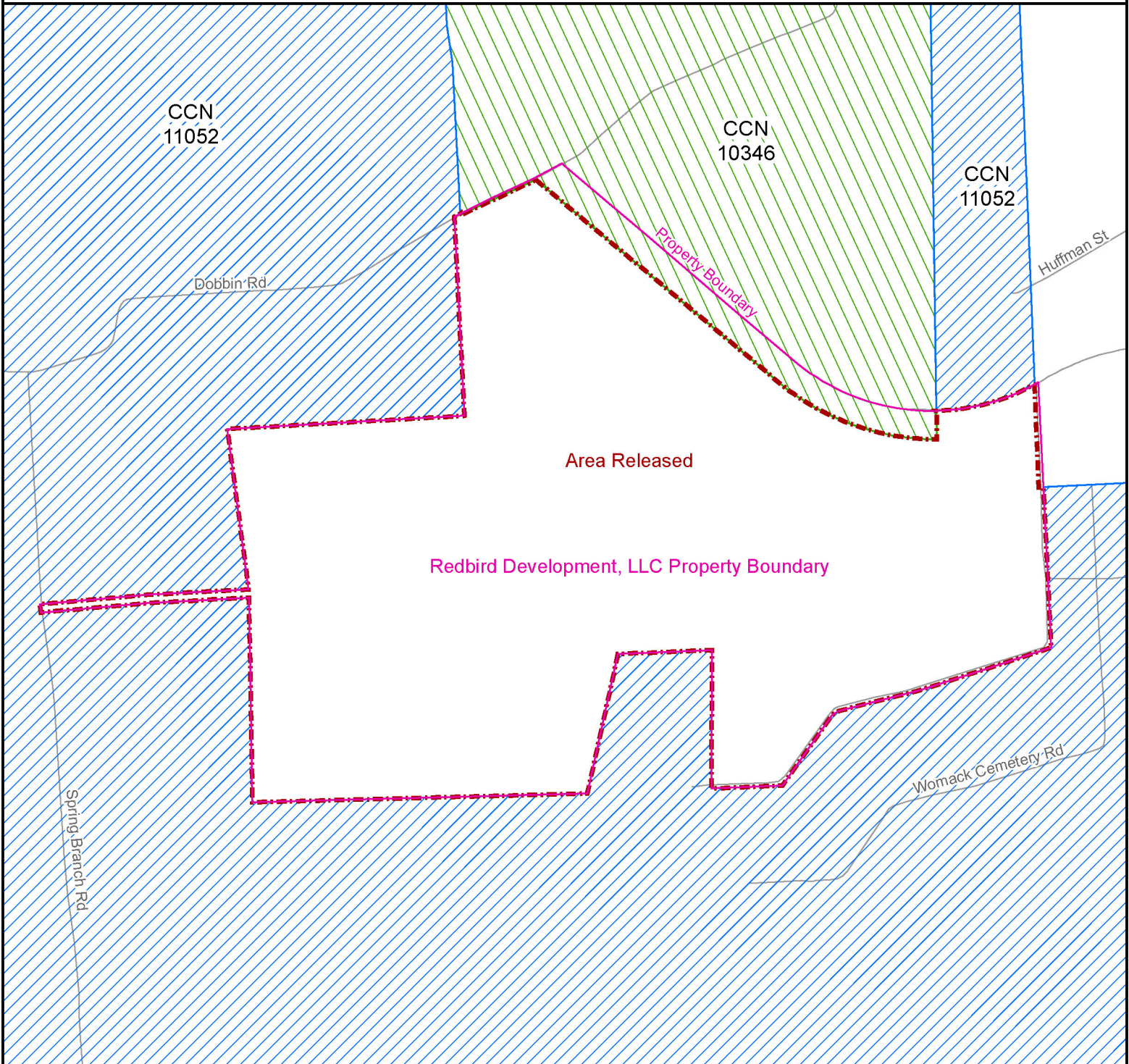
Based on the mapping review by Mr. Horton, it was determined that the total property is approximately 388.5 acres. The requested area to be released from Dobbin Plantersville WSC, CCN No. 11052, is approximately 372.2 acres.

Dobbin requested to intervene. Intervention was granted by the Commission on June 9, 2021. Dobbin's response to Staff's 1st RFI indicated there are facilities near the tract of land that are committed to providing service to the CCN area. The response to the RFI confirmed there are no facilities located within the requested property.



In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Redbird has met the Commission's requirements to allow for the release of the tract of land from Dobbin's CCN No. 11052. 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.

Dobbin-Plantersville Water Supply Corporation
 Portion of Water CCN No. 11052
 PUC Docket No. 52090
 Petition by Redbird Development, LLC to Amend
 Dobbin-Plantersville Water Supply Corporation's CCN by Expedited Release in Montgomery County



Water CCN

-  11052 - Dobbin-Plantersville WSC
-  10346 - City of Montgomery

-  Area Released
-  Property Boundary





Public Utility Commission of Texas

By These Presents Be It Known To All That

Dobbin-Plantersville Water Supply Corporation

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, Dobbin-Plantersville Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11052

to provide continuous and adequate water utility service to that service area or those service areas in Grimes and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52090 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 Dobbin-Plantersville Water Supply Corporation 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.