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DOCKET NO. 52160

PETITION OF SEWELL FAMILY	§	PUBLIC UTILITY COMMISSION
PARTNERSHIP, LTD. TO AMEND	§	
JOHNSON COUNTY SPECIAL	§	OF TEXAS
UTILITY DISTRICT'S CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	
IN TARRANT COUNTY BY	§	
EXPEDITED RELEASE	§	

ORDER NO. 3
GRANTING STREAMLINED EXPEDITED RELEASE

This Order addresses the petition by Sewell Family Partnership, Ltd. for streamlined expedited release of a portion of a tract of land in Tarrant County from the service area under certificate of convenience and necessity (CCN) number 10081. Johnson County Special Utility District is the holder of CCN number 10081. For the reasons stated in this Order, the Commission releases the tract of land from Johnson County SUD's certificated service area. In addition, the Commission amends Johnson County SUD's CCN number 10081 to reflect the removal of this tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Johnson County SUD, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Sewell Family is a Texas limited partnership registered with the secretary of state under filing number 15444510.

CCN Holder

2. Johnson County SUD is a special utility district in Johnson County operating under chapter 65 of the Texas Water Code (TWC).
3. Johnson County SUD holds CCN number 10081 that obligates it to provide retail water service in its certificated service area in Tarrant County.

Petition

4. On May 25, 2021, the petitioner filed a petition for streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 10081.
5. The petition includes the affidavit, dated May 13, 2021, of Shirley Sewell Butts, the president of Sewell Family; maps of the subject property and digital data; and a correction special warranty deed dated December 28, 2005.
6. In Order No. 2 filed on June 28, 2021, the administrative law judge (ALJ) found the petition administratively complete.

Notice

7. The petitioner sent a copy of the petition by certified mail, return receipt requested, to the CCN holder on May 25, 2021.
8. In Order No. 2 filed on June 28, 2021, the ALJ found the notice sufficient.

Response to Petition

9. On June 10, 2021, the CCN holder filed a response to the petition but did not seek to intervene.

The Tract of Land

10. The entire tract of land is approximately 297 acres in Tarrant County.
11. The portion of the tract of land for which the petitioner seeks streamlined expedited release (the release property) is approximately 293.5 acres.
12. The release property is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

13. The petitioner acquired the tract of land by correction special warranty deed dated December 28, 2005.

Qualifying County

14. Tarrant County has a population of greater than one million.

Water Service

15. The release property is not receiving actual water service from the CCN holder.

16. The petitioner has not requested that the CCN holder provide water service to the release property or paid any fees or charges to initiate or maintain such service.
17. There are no billing records or other documents indicating an existing account with the CCN holder for the provision of water service to the release property.
18. The CCN holder has not committed or dedicated any facilities or lines to the release property for water service.
19. The CCN holder has no facilities or lines that provide water service to the release property.
20. The CCN holder has not performed any acts for or supplied anything to the release property.

Map and Certificate

21. On August 2, 2021, Commission Staff filed its recommendation that included a certificate and a map on which it identified the release property in relationship to the CCN holder's certificated service area.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition for streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 or 16 TAC § 24.245(h)(7).
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition that must be verified by a notarized affidavit.

6. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
7. The petitioner owns a tract of land that is at least 25 acres and includes the release property for which it seeks streamlined expedited release through the petition.
8. Tarrant County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
9. The release property is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
10. The petitioner is entitled under TWC § 13.2541(b) to the release of the release property from the CCN holder's certificated service area.
11. After the date of this Order, the CCN holder has no obligation under TWC § 13.254(h) to provide retail water service to the petitioner's release property.
12. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertify any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
13. The Commission processed the petition in accordance with the TWC and Commission rules.
14. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Tarrant County no later than the 31st day after the date the CCN holder receives this Order.
15. A retail public utility may not under TWC § 13.254(d) provide retail water service to the public within the tract of land unless just and reasonable compensation under TWC § 13.254(g) has been paid to the CCN holder.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the release property identified in the petition from the CCN holder's service area under CCN number 10081.
2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the petitioner's release property.
3. The Commission amends CCN number 10081 in accordance with this Order.
4. The Commission approves the attached map.
5. The Commission issues the attached certificate.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 2. Any decision on compensation will be made by a separate order.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

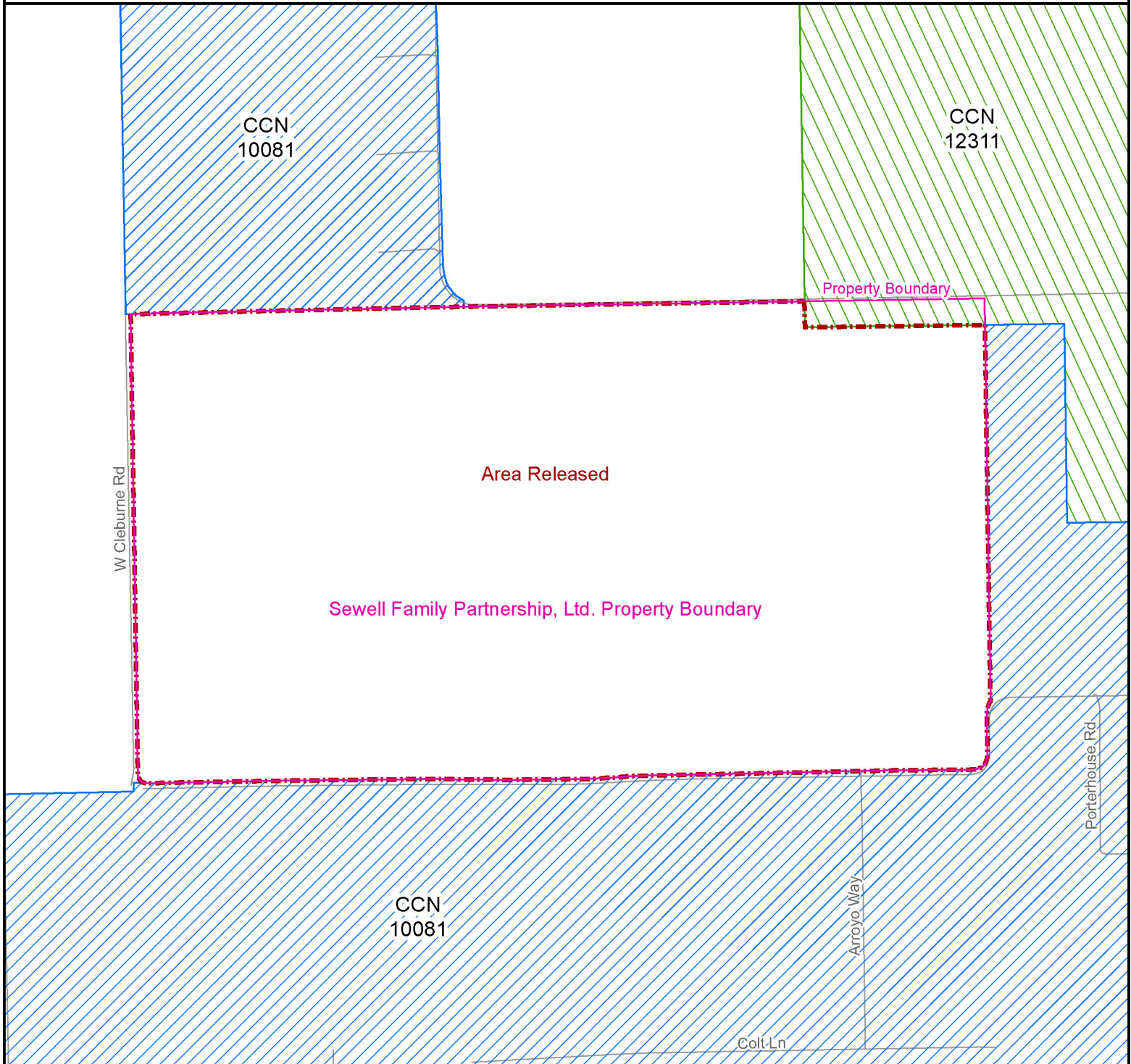
Signed at Austin, Texas the 9th day of August 2021.

PUBLIC UTILITY COMMISSION OF TEXAS





**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**

Johnson County Special Utility District
Portion of Water CCN No. 10081
PUC Docket No. 52160
Petition by Sewell Family Partnership, Ltd. to Amend
Johnson County Special Utility District's CCN by Expedited Release in Tarrant County



Water CCN

-  10081 - Johnson County SUD
-  12311 - City of Fort Worth

-  Area Released
-  Property Boundary

0 400 800
Feet





Public Utility Commission of Texas

By These Presents Be It Known To All That

Johnson County Special Utility District

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, Johnson County Special Utility District, is entitled to this

Certificate of Convenience and Necessity No. 10081

to provide continuous and adequate water utility service to that service area or those service areas in Ellis, Hill, Johnson, and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52160 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 Johnson County Special Utility District, 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.

Issued at Austin, Texas, this 9th day of August 2021