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DOCKET NO. 52267

PETITION MOUNT ZION WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION TO AMEND	§	
ITS CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY FOR PARTIAL	§	
DECERTIFICATION IN ROCKWALL	§	
COUNTY	§	

COMMISSION STAFF’S MOTION TO DISMISS

On June 23, 2021, Mount Zion Water Supply Corporation (Mount Zion) filed an application to amend its certificate of convenience and necessity (CCN) in Rockwall County, Texas. On August 10, 2021 filed a revised petition for partial decertification of its water certificate of convenience and necessity (CCN) No. 10088 in Rockwall County under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d). Mount Zion seeks the amendment to transfer a tract of land to the City of Rockwall.

On November 29, 2021, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of December 13, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application and proposed notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. COMMISSION STAFF’S MOTION TO DISMISS

Staff respectfully recommends that the docket be dismissed without prejudice pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(2). Under 16 TAC § 22.181(d)(2), a proceeding may be dismissed for moot questions or if it is an obsolete petition.

Staff has reviewed the Mount Zion’s supplemented application and supplemental document filed on November 15, 2021 and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, a dismissal of this docket is appropriate because the 11.11 acres Mount Zion requests to decertify is not located within its CCN No. 10088. Therefore, Staff believes this petition is not necessary. The Commission cannot decertify that which is not certificated. Staff recommends that the docket be dismissed without prejudice pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(2).

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the docket be dismissed

Dated: December 13, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/Mildred Anaele
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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 December 13, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele
Mildred Anaele

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 13, 2021

RE: Docket No. 52267 – *Petition Mount Zion Water Supply Corporation to Amend Its Certificate of Convenience and Necessity and for Partial Decertification in Rockwall County*

On June 23, 2021, Mount Zion Water Supply Corporation (Mount Zion) filed a petition for decertification of a portion of its water certificate of convenience and necessity (CCN) No. 10088 in Rockwall County under Texas Water Code (TWC) § 13.254(b) and 16 Texas Administrative Code (TAC) § 24.245(d)(1)(E).

Mount Zion is seeking removal of a tract of land that it asserts is located within Mount Zion's CCN boundaries and inside the City of Rockwall's city limits. The developer has requested service from the City of Rockwall.

Based on her research of the existing water service area for Mount Zion WSC, CCN No. 10088, Tracy Montes, Infrastructure Division, determined the last CCN amendment of Mount Zion WSC's CCN was approved by TCEQ in Application No. 36854-C. The water service area for CCN No. 10088 has not been amended since that application. Further evidence of the official CCN No. 10088 is identified with the same water service area as shown in the attached final map named 36854-C.pdf, as identified in the Water and Sewer CCN Viewer¹ and available for download from ([CCN Mapping Information \(texas.gov\)](https://www.puc.texas.gov/industry/water/utilities/map.aspx)).

On November 15, 2021, Mount Zion provided a copy of a certificate for CCN No. 10088 that was issued on December 8, 1995 in Application No. 30682. This certificate from 1995 was issued prior to Application No. 36854-C, which was approved on April 19, 2012 and amended CCN No. 10088. The certificate provided a general location of the water service area and identified the official water service area map on WRS-199 for CCN No. 10088 but did not identify the water service area issued in Application No. 30682. Rather, the map named WRS-199 identified the water service area. The Applicant did not include a copy of this map for

¹ <https://www.puc.texas.gov/industry/water/utilities/map.aspx> (last viewed Dec. 9, 2021).

CCN Application No. 30682 that delineates the water service area issued to CCN No. 10088 in that application. As stated, that application is older than the last CCN amendment approved in Application No. 36894-C. When comparing the Commission's most current records with the mapping data, it is clear that the requested tract of land is not located within the official water service area for Mount Zion WSC's CCN. The Commission cannot decertify that which is not certificated.

Based on the research provided above by Ms. Montes, the tract of land includes approximately 11.11 acres and is not located within Mount Zion WSC's CCN No. 10088. Therefore, this petition is not necessary to decertify the requested tract of land from Mount Zion WSC's CCN service area. I recommend dismissal of the docket.

Mount Zion Water Supply Corporation
 Water Service Area
 CCN No. 10088
 Application No. 36854-C (13.255 Contract Service Agreement
 from City of Rockwall to Decertify a Portion of Mount Zion WSC, CCN No. 10088
 in Rockwall County)

Lavon WSC
 CCN 10066

COLLIN COUNTY
 ROCKWALL COUNTY

Lavon WSC
 Fac Only
 CCN 10066

Mount Zion WSC
 CCN 10088

Lavon WSC
 CCN 10066

Lake
 Ray
 Hubbard

CCN
 10088

CCN
 10088

CCN
 10088

City of Fate
 CCN 12889

Blackland WSC
 Fac. + 200'
 CCN 11305

Blackland WSC
 CCN 11305

Decertified Properties

2000 0 2000 Feet



Map by S. Jaster 2/16/2012
 Data path: c:\gis\projects\shpsforapplications\36854-c.shp
 and 36854-c_fac.shp
 Project path: c:\gis\projects\applications\36854-c.apr

