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PUC DOCKET NO. 52267

PETITION BY MOUNT ZION WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION FOR	§	
PARTIAL DECERTIFICATION OF	§	OF TEXAS
OF ITS WATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	
NO. 10088 IN ROCKWALL COUNTY	§	

**MOUNT ZION WATER SUPPLY CORPORATION’S
REVISED PETITION FOR PARTIAL DECERTIFICATION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Mount Zion Water Supply Corporation (“Mt. Zion”) and files this revised Petition for Partial Decertification in relation to a portion of its water certificate of convenience and necessity (“CCN”) No. 10088 located in Rockwall County, Texas (“Petition”). In support thereof, Mt. Zion would show the following.

I. PURPOSE OF THE REVISED PETITION AND DECERTIFICATION

Mt. Zion filed a petition to seek decertification of a portion of its CCN No. 10088 that is located inside the boundaries of a tract of land within the City of Rockwall corporate limits on June 23, 2021. Mt. Zion hereby revises that petition in order to clearly state that P.U.C. Subst. R. § 24.245(d)(1)(E) should govern the review of Mt. Zion’s Petition. As previously stated in Mt. Zion’s original Petition, the developer for the Tract requested water service for the Tract from the City of Rockwall and the City of Rockwall does not hold a water CCN. By agreement, Mt. Zion seeks Commission decertification for the area identified in **Exhibits A and B**.¹ Pursuant to P.U.C. Subst. R. § 24.245(d)(1)(E):

¹ The tracts of land described and depicted in Exhibits A and B shall be collectively hereinafter referred to as the “Tract.”

“(d)(1) At any time after notice and opportunity for hearing, the commission may revoke any CCN or amend any CCN by decertifying a portion of the service area if the commission finds that any of the circumstances identified in this paragraph exist.

(E) The current CCN holder has consented in writing to the revocation or amendment.”

Mt Zion holds multiple CCN service areas under CCN No. 10088. While Mt. Zion intends to retain other service areas certificated under CCN No. 10088, Mt. Zion has agreed to seek removal of the Tract from its water CCN service area pursuant to P.U.C. Subst. R. § 24.245(d)(1)(E).

II. REQUEST FOR DECERTIFICATION

Mt. Zion seeks Commission decertification for the Tract which comprises approximately 11.126 acres. The Tract is located north of the downtown area of the City of Rockwall and is generally bounded on the west by John King Boulevard and located south of F.M. 522. The Administrative Officer for Mt. Zion provides factual information in support of this revised Petition in **Exhibit C**. Mt. Zion intends to retain its water CCN No. 10088 service territory for all areas not within the boundaries of the Tract.

Mt. Zion is not providing consent in this docket to remove any certificated service area in whole or in part other than the area shown in **Exhibit A and Exhibit B**. The type of relief sought here by Mt. Zion is distinguishable from CCN amendments authorized elsewhere in the Texas Water Code and Commission rules seeking to add CCN area.² Mt. Zion does not seek to discontinue, reduce, or impair service to its certified areas or part of its certified area under Texas

² See, e.g., Texas Water Code §13.244 and 13.246; P.U.C. SUBST. R. §§ 24.227 and 24.257
MOUNT ZION WATER SUPPLY CORPORATION'S
REVISED PETITION FOR PARTIAL DECERTIFICATION

Water Code §13.250(b) and P.U.C. SUBST. R. 24.115 as it plans to remain the provider of “continuous and adequate service” within all its remaining CCN areas.

Mt. Zion is seeking an amendment to its CCN as agreed upon between Mt. Zion and the developer of the Tract. Mt. Zion believes the information included with this revised Petition is sufficient for the Commission to grant this request. If more information is required, Mt. Zion respectfully requests that the Commission let Mt. Zion know as soon as possible.

III. REGULATORY REQUIREMENTS

Pursuant to P.U.C. Subst. R. § 24.245(d)(2), Mt. Zion provides the following demonstration:

(2)(A) – The retail public utility must provide, at the time its request is filed, notice of its request to each customer and landowner within the affected service area of the utility.

Mt. Zion Response: As shown in the attached **Exhibit D**, there are no customers on the Tract. Further, the landowner consents to the decertification.

(2)(B) – The request must specify the area that is requested to be revoked or removed from the CCN area.

Mt. Zion Response: Please refer to Exhibits A and B. Further, the mapping information required for CCN applications is provided on the attached flash drive that is contained in **Exhibit E**.

(2)(C) – The request must address the effect of the revocation or decertification amendment on the current CCN holder, any existing customers, and landowners in the affected area.

Mt. Zion Response: The only effect of the decertification on Mt. Zion is the reduction in service area which it has consented to. See **Exhibit C**. There are no customers in the affected area. Further, the landowner seeks service from a different provider. See **Exhibit D**.

(2)(D) – The request must include the mapping information required by § 24.257 of this title relating to Mapping Requirements for Certificate of Convenience and Necessity Applications.

Mt. Zion Response – See **Exhibit D**.

(2)(E) – The Commission may deny the request to revoke or amend a CCN if existing customers or landowners will be adversely affected.

Mt. Zion Response – The landowner consents to the decertification and has waived the requirement for notice. See **Exhibit D**.

(2)(F) – If a retail public utility’s request for decertification amendment or revocation by consent under this paragraph is granted, the retail public utility is not entitled to compensation from a prospective retail public utility.

Mt. Zion Response – Mt. Zion does not seek compensation from any retail public utility.

IV. CONCLUSION

Mt. Zion respectfully requests the Commission process this revised Petition and decertify the Tract from Applicant’s CCN No. 10088 pursuant to P.U.C. Subst. R. § 24.245(d)(1)(E). Further, Mt. Zion requests that the revised Petition be approved and requests the waiver of notice to affected property owners as the only property owner affected has waived the need for notice. If for any reason the Commission finds the information submitted with this Revised Petition is insufficient for application acceptance, Mt. Zion respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,

Russell Rodriguez Hyde Bullock LLP
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)
arodriguez@txlocalgovlaw.com

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

**ATTORNEY FOR MOUNT ZION WATER
SUPPLY CORPORATION**

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 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.

INDEX OF EXHIBITS

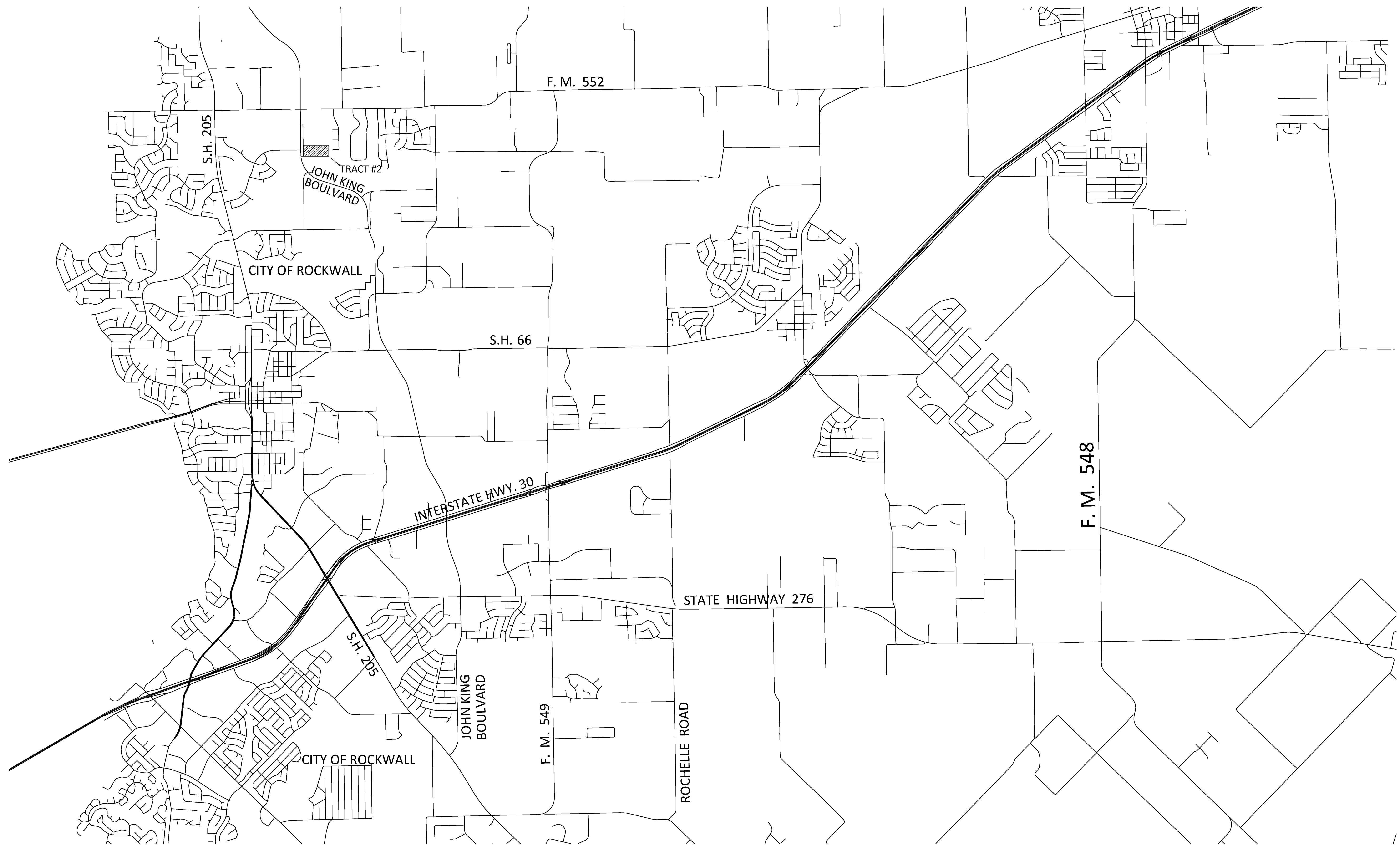
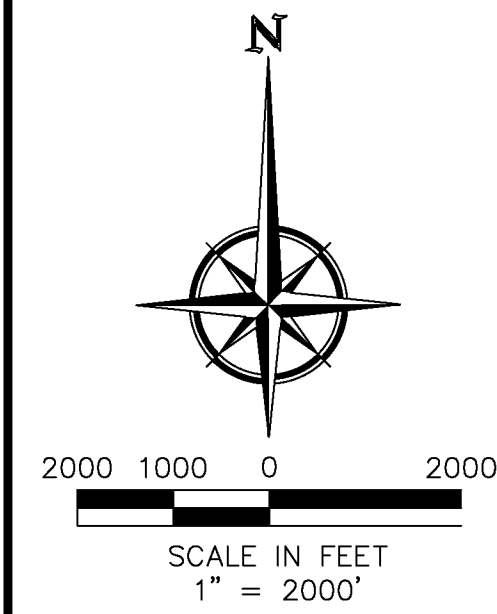
EXHIBIT A – General Location Map of Tracts

EXHIBIT B – Detailed Map of Tract

EXHIBIT C – Declaration of Robin Baley

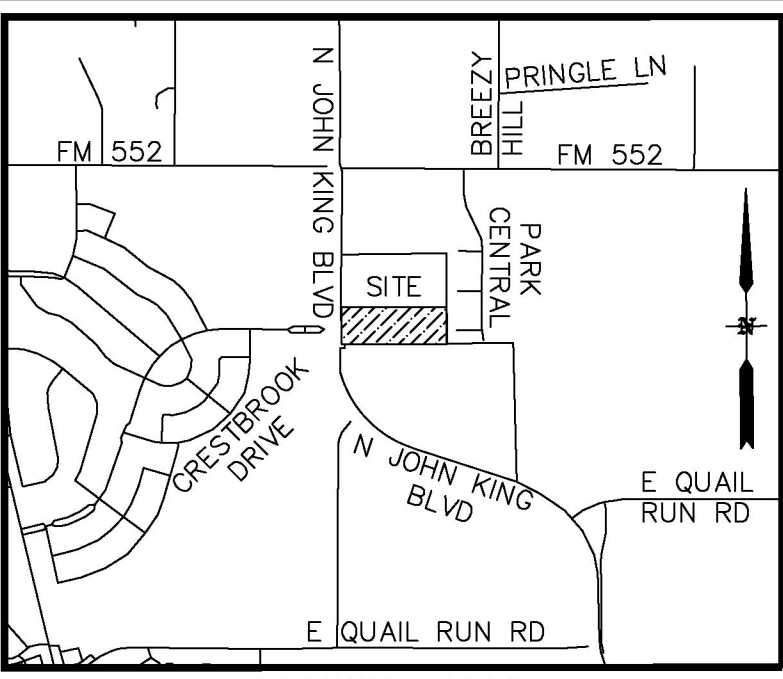
EXHIBIT D – Declaration of Rob Witte

EXHIBIT E – Mapping/Shape Files

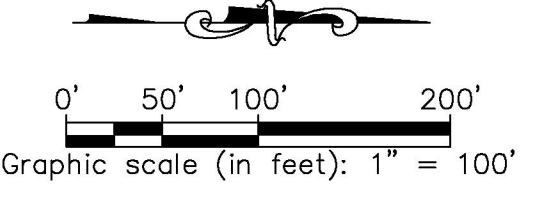


ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS FIRM REG. NO. 001145
201 WINDCO CIRCLE, SUITE 200, WYLIE TEXAS 75098
(972) 941-8400 FAX (972) 941-8401

GENERAL LOCATION MAP OF
SADDLE STAR SOUTH
TRACTS TWO & THREE
P.B. HARRISON SURVEY, ABSTRACT No. 97
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS
DATE: April 15, 2021



VICINITY MAP
NOT TO SCALE



DETAILED MAP
SADDLE STAR SOUTH TRACT TWO
 PLANNED DEVELOPMENT DISTRICT 79
 11.126 ACRES SITUATED IN THE
 P.B. HARRISON SURVEY, ABSTRACT No. 97
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN L.P.
 ENGINEERING / SURVEYING / PROJECT MANAGEMENT
 201 WINDCO CIRCLE, SUITE 200 WYLIE, TX 75098
 (972) 941-8400

DEVELOPER
K P A CONSULTING, INC.
 3076 HAYS LANE ROCKWALL, TEXAS 75087
 PAT ATKINS: 972-388-6383

OWNERS
 GWENDOLYN REED
 3076 HAYS LANE
 ROCKWALL, TEXAS 75087

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

DECLARATION OF ROBIN BALEY

Pursuant to Texas Civil Practices and Remedies Code Section 132.001, ROBIN BALEY, hereby subscribes to the following declarations under penalty of perjury:

1. My name is ROBIN BALEY, my date of birth is 5-21-63, and my address is PO Box 2034, Rockwall, Texas 75087. I declare under the penalty of perjury that all information in this document is true and correct.
2. I am the Office Administrator for Mt. Zion Water Supply Corporation (“Mt. Zion”). A position that I have held since 1996. As Office Administrator of Mt. Zion, I am authorized to sign this declaration stating the facts herein on behalf of Mt. Zion.
3. Mt. Zion holds certificate of convenience and necessity (“CCN”) No. 10088 and Mt. Zion is filing a Petition for Partial Decertification of a portion of its water CCN located in Rockwall County, Texas.
4. The Tract, as defined in the Petition for Partial Decertification filed contemporaneously herewith, overlaps with the portion of CCN No. 10088 for which Mt. Zion seeks decertification. Mt. Zion executed an agreement with the developer of the Tract to seek the decertification for the release of the portion of CCN No. 10088 that encompasses the Tract.
5. If approved, the decertification will allow the Tract’s landowner to fulfill its development plans.
6. Mt. Zion requests that the Public Utility Commission of Texas release the Tract from water CCN No. 10088.
7. I declare under the penalty of perjury that the foregoing is true and correct.

SIGNED in Rockwall County, Texas on 6/23, 2021.


ROBIN BALEY

EXHIBIT

C

DOCKET NO. 52267

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

AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF Dallas §

BEFORE ME, the undersigned notary, personally appeared Rob Witte, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is Rob Witte, I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

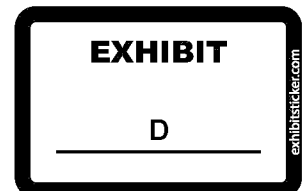
2. Saddle Star South Holdings, LLC, is the owner of the approximately 11.126 acre tract of land (the “Property”) that is subject of the Petition for Partial Decertification.

3. Saddle Star South Holdings, LLC, is an entity of Hines Interests Limited Partnership. I am authorized to sign on behalf of Saddle Star South Holdings, LLC as Senior Managing Director of Hines Interests Limited Partnership,

4. The Property is not receiving service from Mt. Zion and there are no customers located on the Property.

5. Saddle Star South Holdings, LLC, consents to the decertification by Mount Zion and waives any right to notice of the filing of Mount Zion’s Petition for Partial Decertification.

6. Saddle Star South Holdings, LLC, is not negatively affected by the petition for decertification and Mount Zion’s Petition was filed with the consent of Saddle Star South Holdings, LLC.”



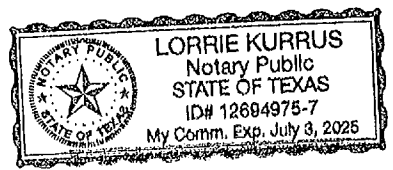
RW

FURTHER AFFIANT SAYETH NOT.

[Handwritten Signature]

Rob Witte

SWORN TO AND SUBSCRIBED TO BEFORE ME by Rob Witte on
August 3, 2021



(SEAL)

Lorrie Kurrus

Notary Public, State of Texas

The following files are not convertible:

Saddle_Star_South_3[1].cpg
Saddle_Star_South_3[1].dbf
Saddle_Star_South_3[1].idx
Saddle_Star_South_3[1].prj
Saddle_Star_South_3[1].shp
Saddle_Star_South_3[1].shx

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Contact centralrecords@puc.texas.gov if you have any questions.