



## Filing Receipt

**Received - 2021-10-27 10:54:34 AM**  
**Control Number - 52474**  
**ItemNumber - 5**

**DOCKET NO. 52474**

<b>PETITION OF NEIMANN FARM</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>PARTNERS, LP TO AMEND POLONIA</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN CALDWELL</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

On August 25, 2021, Neimann Farm Partners, LP (Neimann) filed a petition for streamlined expedited release from Polonia Water Supply Corporation's (Polonia WSC) Certificate of Convenience and Necessity (CCN) No. 10420 pursuant to Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Neimann asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Caldwell County, which is a qualifying county.

On September 23, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of October 27, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON FINAL DISPOSITION**

Staff has reviewed Neimann's petition and, as detailed in the attached memorandum from Pai Liu of the Infrastructure Division, recommends that the petition be approved. Staff recommends that the petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property for which Neimann seeks streamlined expedited release is located in a qualifying county (Caldwell County), is at least 25 acres in size, is not receiving water service, and is located within Polonia WSC's water certificated service area. In addition, Neimann has provided deeds confirming its ownership of the property. Polonia WSC has not responded to the petition and there have been no intervenors in this proceeding. The final water CCN map and certificate are attached to this filing. Accordingly, Staff recommends that the petition for streamlined expedited release be approved.

**II. REQUEST TO RESTYLE DOCKET**

Although the docket is styled as a petition for expedited release, it actually seeks streamlined expedited release. Accordingly, Staff respectfully requests that this proceeding be

restyled, "Petition of Neimann Farm Partners, LP to Amend Polonia Water Supply Corporation's Certificate of Convenience and Necessity in Caldwell County by Streamlined Expedited Release."

### III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be approved and entry of an order consistent with the above recommendations.

Dated: October 27, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Deputy Division Director

/s/ R. Floyd Walker  
R. Floyd Walker  
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**DOCKET NO. 52474  
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 October 27, 2021 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker  
R. Floyd Walker

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Floyd Walker, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** October 27, 2021

**RE:** Docket No. 52474 – *Petition of Neimann Farm Partners, LP to Amend Polonia Water Supply Corporation's Water Certificate of Convenience and Necessity in Caldwell County by Expedited Release*

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On August 25, 2021, Neimann Farm Partners, LP (Neimann) filed a petition for streamlined expedited release from Polonia Water Supply Corporation's (Polonia WSC) water certificate of convenience and necessity (CCN) No. 10420 in Caldwell County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Neimann asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Caldwell County, which is a qualifying county.

Neimann submitted a sworn affidavit attesting that the property was not receiving water service from Polonia WSC and a warranty deed confirming Neimann's ownership of the tract of land. Based on the mapping review by Tracy Montes, Infrastructure Division, the mapping documentation submitted on August 25, 2021 is sufficient for determining that the tract of land considered for streamlined expedited release is located within Polonia WSC's water CCN.

Based on the mapping review by Ms. Montes, it was determined the tract of land is approximately 205.8 acres. The area to be released from Polonia WSC (CCN No. 10420) is approximately 205.3 acres.

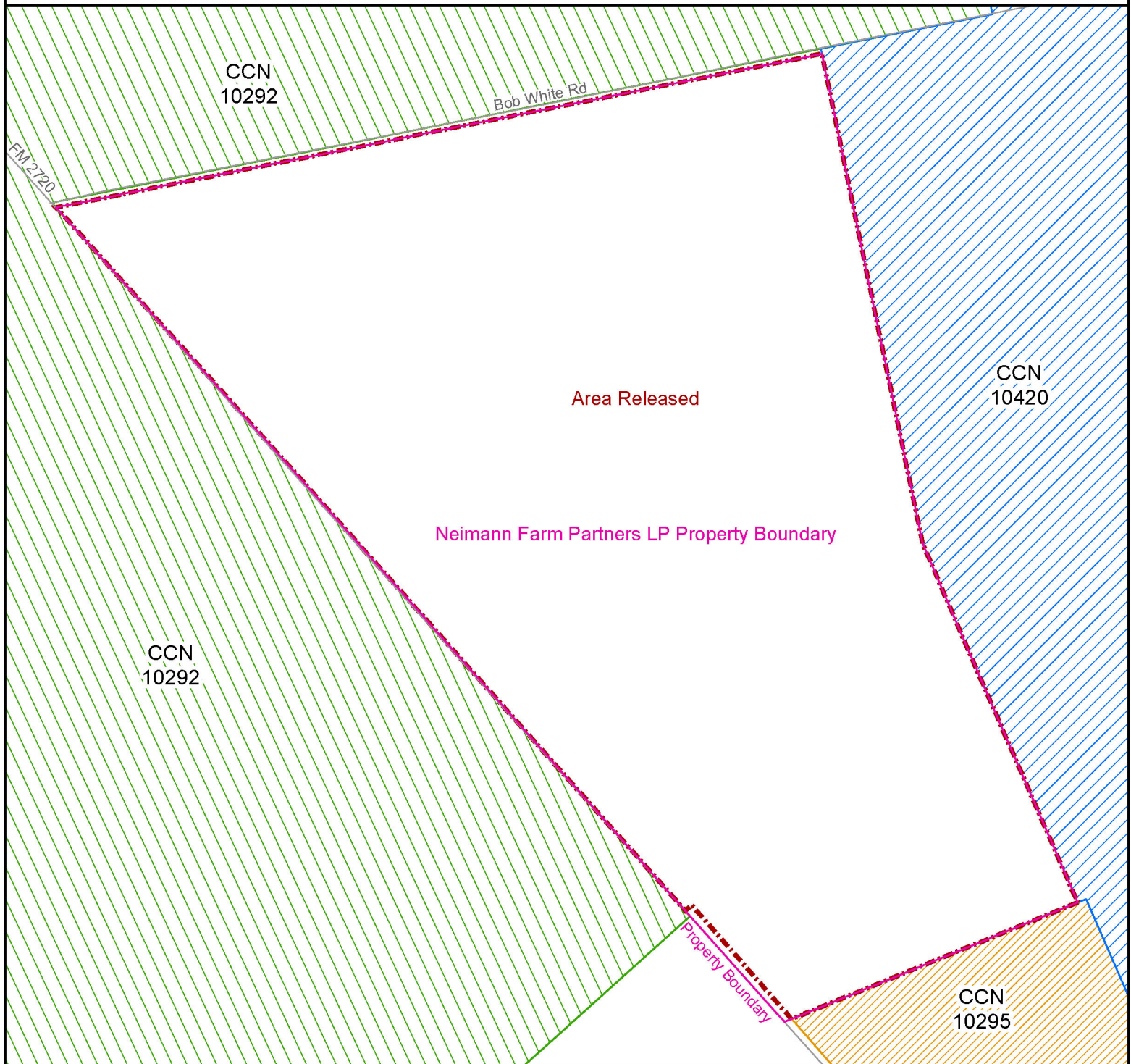
The petition also includes a statement indicating a copy of the petition was sent via certified mail to Polonia WSC on the date the petition was filed with the Commission.

Polonia WSC did not request to intervene.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Neimann has met the Commission's requirements to allow for the release of the tract of land from Polonia WSC's CCN No. 10420. 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.

Polonia Water Supply Corporation  
Portion of Water CCN No. 10420  
PUC Docket No. 52474  
Petition by Neimann Farm Partners, LP to Amend  
Polonia Water Supply Corporation's CCN by Expedited Release in Caldwell County



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  10420 - Polonia WSC
-  10292 - County Line SUD
-  10295 - City of Lockhart

-  Area Released
-  Property Boundary

0 300 600  
Feet



Map by: Komal Patel  
Date: October 13, 2021  
Project: 52474PoloniaWSC.mxd



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Polonia 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, Polonia Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10420**

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop and Caldwell Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52474 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 Polonia 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.