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PETITION OF GJGTEB HOLDINGS, LLC TO AMEND CREEDMOOR-MAHA WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN CALDWELL COUNTY BY EXPEDITED RELEASE	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF'S CLARIFICATION FILING

On September 23, 2021, GJGTEB Holdings, LLC (GJGTEB Holdings) filed a petition for streamlined expedited release from Creedmoor-Maha Water Supply Corporation's (Creedmoor-Maha WSC) water Certificate of Convenience and Necessity (CCN) No. 11029 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). GJGTEB Holdings 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 October 27, 2021, the administrative law judge (ALJ) filed Order No. 2, finding the petition administratively complete and establishing a deadline of December 27, 2021 for the sixty-day administrative approval of streamlined-expedited release. On November 23, 2021 the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a recommendation for the petition to be approved, in part based on a recommendation that the tract of land is in a qualifying county. Staff files this clarification filing based on subsequent information that indicates that the tract of land might no longer be in a qualifying county.

I. CLARIFICATION FILING

TWC § 13.2541(b) states that:

“[T]he owner of a tract of land... may petition for expedited release... and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of *more than 45,500 and less than 47,500*.”

In other words, a county is not a qualifying county if its population is between 45,000 and 47,500. According to the 2020 U.S. Census Data that was just released in December 2021,¹ the current population of Caldwell County is 45,883,² while the population estimate for Caldwell County as of July 1, 2019 was 43,664.³ Thus, at the time the petition was found administratively complete⁴ and deemed to be filed,⁵ the tract of land was in a qualifying county according to the population data known as of that date. On the other hand, as of December 2021, the tract of land would no longer be considered to be in a qualifying county.

II. CONCLUSION

Staff respectfully requests that the ALJ take the foregoing clarifying information into consideration when ruling whether to grant streamlined expedited release.

¹ U.S. Census Bureau, Schedule (2020), <https://www.census.gov/programs-surveys/popest/about/schedule.html>

² U.S. Census Bureau, Census Data for Caldwell County, QuickFacts Caldwell County, Texas (2020) <https://www.census.gov/quickfacts/fact/table/caldwellcountytexas/POP010220>

³ *Id.*

⁴ Order No. 2 Finding Petition Administratively Complete and Notice Sufficient, and Establishing Procedural Schedule (Oct. 27, 2021).

⁵ 16 TAC § 24.8(d)

Dated: December 13, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 on December 13, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles
Scott Miles