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DOCKET NO. 52630

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

ORDER NO. 8
GRANTING STREAMLINED EXPEDITED RELEASE

This Order addresses the petition by GJGTEB Holdings, LLC for streamlined expedited release of a tract of land in Caldwell County from Creedmoor-Maha Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 11029. For the reasons stated in this Order, the Commission releases the tract of land from Creedmoor-Maha WSC's certificated service area. In addition, the Commission amends Creedmoor-Maha WSC's CCN number 11029 to reflect the removal of the tract of land from its service area.

Following entry of the Order, the Commission will determine the amount of compensation, if any, to be awarded to Creedmoor-Maha WSC, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. GJGTEB is a Texas limited liability company registered with the Texas secretary of state under filing number 804124541.

CCN Holder

2. Creedmoor-Maha WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 21912201.
3. Creedmoor-Maha WSC holds CCN number 11029 that obligates it to provide retail water service in its certificated service area in Travis, Hays, Bastrop, and Caldwell counties.

Petition

4. On September 23, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11029.
5. The petition includes a special warranty deed dated July 1, 2021; maps of the tract of land; proof of service; an affidavit, dated September 22, 2021, of Todd Burek, co-owner and managing member of the petitioner; and digital mapping data.
6. In Order No. 2 filed on October 27, 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 September 23, 2021.
8. In Order No. 2 filed on October 27, 2021, the ALJ found the notice sufficient.

Intervention and Response to the Petition

9. On November 15, 2021, the CCN holder filed a response to the petition but did not move to intervene.
10. On May 27, 2022, the CCN holder filed a notice of withdrawal of opposition, stating that the CCN holder and the petitioner had entered into and fully executed a settlement agreement on May 16, 2022. Pursuant to the settlement agreement, the CCN holder withdrew its opposition to the Petition, with prejudice, and consented to the release and decertification of the tract of land.

The Tract of Land

11. The tract of land for which petitioner seeks streamlined expedited release is approximately 194.362 acres.
12. The tract of land 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 a special warranty deed dated July 1, 2021.

Qualifying County

14. Caldwell County is adjacent to Travis County and has a population of less than 45,500.

15. Travis County has a population of at least one million people.

Water Service

16. The tract of land is not receiving actual water service from the CCN holder.
17. The CCN holder does not have any water connections or meters on the tract of land.
18. The petitioner has not requested that the CCN holder provide retail water service to the tract of land.
19. The petitioner has not paid any service reservation or standby fees to the CCN holder for water service to the tract of land.
20. The petitioner does not have any agreements with the CCN holder to provide retail water service to the tract of land.
21. The CCN holder owns and operates water system infrastructure located outside of, but in proximity to, the tract of land. None of this infrastructure provides water service to the tract of land.
22. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
23. The CCN holder has no facilities or lines that provide water service to the tract of land.
24. The CCN holder has not performed any acts for or supplied anything to the tract of land.

Map and Certificate

25. On November 23, 2021, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land 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 Texas Water Code (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 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
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. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.
7. 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.
8. The time that the petition is filed is the only relevant time period to consider when evaluation whether a tract of land is receiving water service under TWC § 13.2541(b). Whether a tract of land might have previously received water service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its property.
10. The petitioner owns the tract of land that is at least 25 acres for which it seeks streamlined expedited release.
11. Caldwell County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
12. The tract of land 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).
13. The petitioner is entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder's certificated service area.

14. After the date of this Order, the CCN holder has no obligation under TWC § 13.254(h) to provide retail water service to the tract of land.
15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertificate 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).
16. The Commission processed the petition in accordance with the TWC and Commission rules.
17. 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 Caldwell County no later than the 31st day after the date the CCN holder receives this Order.
18. A retail public utility may not under TWC §§ 13.254(d) and 13.2541(a) provide retail water service to the public within the tract of land unless just and adequate 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 tract of land identified in the petition from the CCN holder's service area under CCN number 11029.
2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the tract of land.
3. The Commission amends CCN number 11029 in accordance with this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificate attached to this Order.
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 on the date 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.

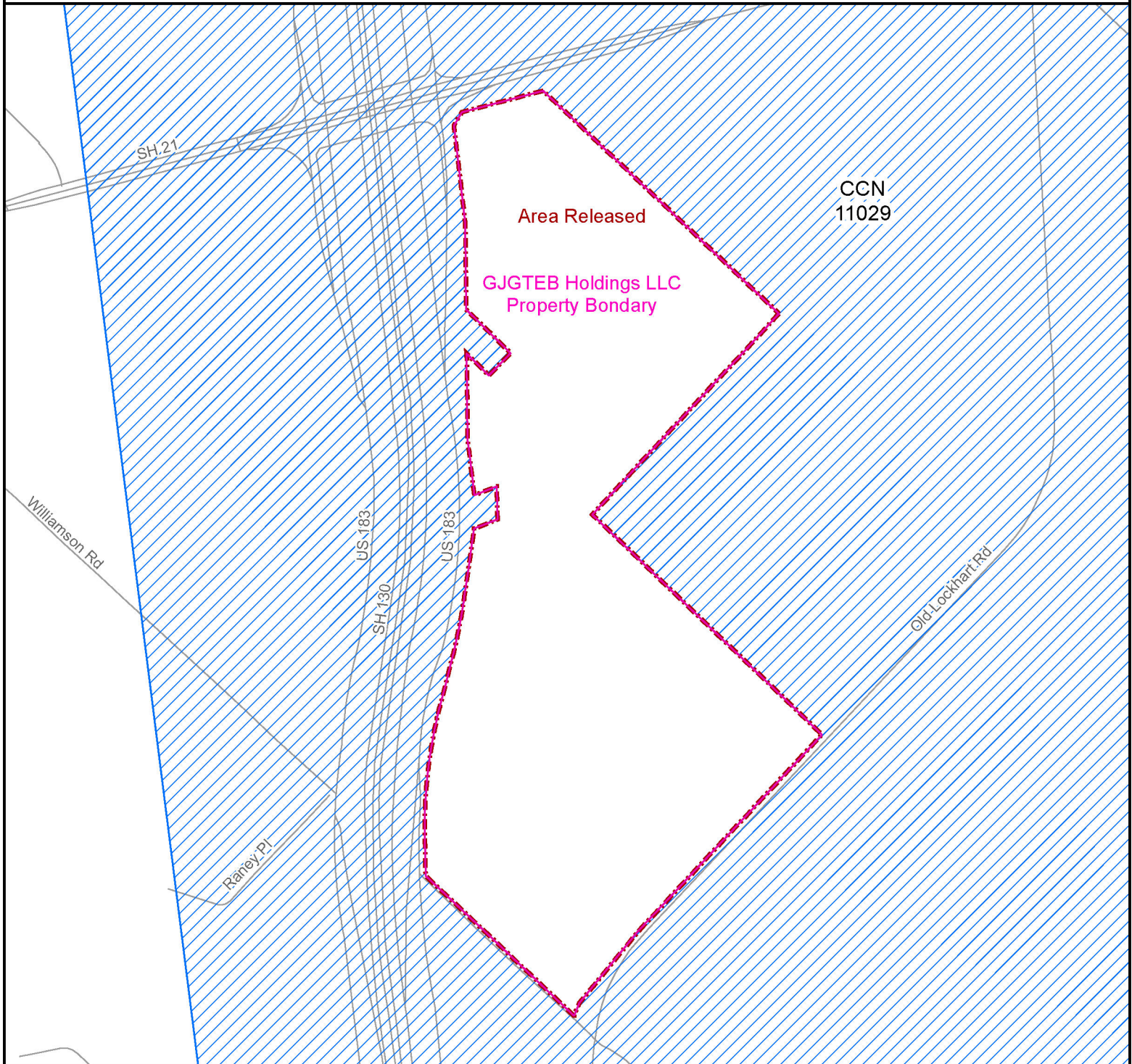
Signed at Austin, Texas the 30th day of June 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'G. R. Siemankowski', is written over a horizontal line.

GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE

Creedmoor-Maha Water Supply Corporation
Portion of Water CCN No. 11029
PUC Docket No. 52630
Petition by GJGTEB Holdings, LLC to Amend
Creedmoor-Maha Water Supply Corporation's CCN by Expedited Release in Caldwell County



Water CCN

 11029 - Creedmoor-Maha WSC

 Area Released

 Property Boundary

0 450 900
Feet





Public Utility Commission of Texas

By These Presents Be It Known To All That

Creedmoor-Maha 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, Creedmoor-Maha Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11029

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Hays, and Travis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52630 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 Creedmoor-Maha 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.