



Filing Receipt

Received - 2022-03-01 11:13:04 AM
Control Number - 52642
ItemNumber - 16

DOCKET NO. 52642

PETITION OF CR FARMS, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND QUADVEST, LP'S	§	
CERTIFICATES OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN LIBERTY	§	
COUNTY BY EXPEDITED RELEASE	§	

ORDER NO. 6
GRANTING STREAMLINED EXPEDITED RELEASE

This Order addresses the petition of CR Farms, LLC for streamlined expedited release of two portions of a tract of land in Liberty County from Quadvest, LP's service areas under certificates of convenience and necessity (CCNs) numbers 11612 and 20952. For the reasons stated in this Order, the Commission releases the two portions of the tract of land from Quadvest's certificated water and sewer service areas. In addition, the Commission amends Quadvest's CCN numbers 11612 and 20952 to reflect the removal of the released portions of the tract of land from the service areas.

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

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. CR Farms is a Texas limited liability company registered with the Texas secretary of state under filing number 803060340.

CCN Holder

2. Quadvest is a Texas limited partnership registered with the Texas secretary of state under filing number 800539284.
3. Quadvest holds water CCN number 11612 that obligates it to provide retail water service in its certificated service area in Liberty County.
4. Quadvest holds sewer CCN number 20952 that obligates it to provide retail sewer service in its certificated service area in Liberty County.

Petition

5. On September 27, 2021, the petitioner filed a petition for streamlined expedited release of two portions of a tract of land from the CCN holder's service areas under water CCN number 11612 and sewer CCN number 20952.
6. The petition includes an affidavit, dated September 23, 2021, of John Harris, president of T-Rex Management, Inc., which is the petitioner's sole manager; maps; and a special warranty deed with timber reservation and with vendor's lien, dated August 19, 2020.
7. On October 5, 2021, the petitioner supplemented the petition with digital mapping data.
8. On November 15, 2021, the petitioner filed another supplement to the petition, which includes additional maps; a special warranty deed dated September 9, 2020; and digital mapping data.
9. In Order No. 3 filed on December 16, 2021, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

Notice

10. The petitioner sent a copy of the petition by certified mail to the CCN holder on September 27, 2021.
11. In Order No. 3 filed on December 16, 2021, the ALJ found the notice sufficient.

Intervention and Response to the Petition

12. The CCN holder did not file a request to intervene or a response to the petition.

The Tract of Land

13. The petitioner owns a tract of land in Liberty County that is approximately 7,917.805 acres.
14. One of the portions of the tract of land for which the petitioner seeks streamlined expedited release is approximately 50.54 acres and is partially located within the CCN holder's certificated service area.
15. The other portion of the tract of land for which the petitioner seeks streamlined expedited release is approximately 13.67 acres and is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

16. The petitioner acquired its tract of land through two transactions.
17. The petitioner acquired approximately 7,894.370 acres of its tract of land by a special warranty deed with timber reservation and with vendor's lien, dated August 19, 2020.
18. The petitioner acquired the remainder of its tract of land, approximately 23.435 acres, by a special warranty deed dated September 9, 2020.

Water and Sewer Service

19. The tract of land is not receiving actual water or sewer service from the CCN holder or any other water or sewer utility.
20. The petitioner has not requested that the CCN holder provide water service or sewer service to the tract of land.
21. The petitioner has not paid to the CCN holder any fees or charges to initiate or maintain water or sewer service at the tract of land.
22. There are no billing records or other documents indicating an existing account with the CCN holder for the tract of land.
23. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water or sewer service.
24. The CCN holder has no facilities or lines that provide water or sewer service to the tract of land.
25. The CCN holder has not performed any acts for or supplied anything to the tract of land.

Qualifying County

26. Liberty County has a population of more than 47,500 and is adjacent to Harris County.
27. Harris County has a population of at least one million.

Map and Certificate

28. On January 19, 2022, Commission Staff filed its recommendation that included certificates and maps on which it identified the tract of land and the portions of the tract of land for which the petitioner seeks streamlined expedited release in relationship to the CCN holder's certificated service areas.

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.
6. Under 16 TAC § 24.245(7), the Commission's decision is based on the information submitted by the landowner, the CNN 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 CNN.
8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving water or sewer service under TWC § 13.2541(b). Whether a tract might have previously received water or sewer service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its tract of land.
10. Liberty County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

11. The petitioner owns the tract of land that is at least 25 acres, and the petitioner seeks streamlined expedited release of two portions of the tract of land through the petition.
12. The tract of land is not receiving water or sewer 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 two portions of the tract of land from the CCN holder's certificated water and sewer service areas.
14. Under TWC §§ 13.254(h) and 13.2541(a), after the date of this Order the CCN holder has no obligation to provide retail water or sewer service to the two released portions of petitioner's 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 decertify any facilities or equipment owned and operated by the CCN holder to provide retail water or sewer 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 certificates and maps, along with boundary descriptions of the service areas, in the real property records of Liberty 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 or sewer service to the public within the released portions of 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 two portions of the tract of land identified in the petition from the CCN holder's certificated service areas under CCN numbers 11612 and 20952.

2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the two portions of the tract of land.
3. The Commission amends CCN numbers 11612 and 20952 in accordance with this Order.
4. The Commission approves the maps attached to this Order.
5. The Commission issues the certificates attached to this Order.
6. The CCN holder must file in this docket proof of the recordings 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 with the filing of this Order in accordance with the schedule adopted in Order No. 3. 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 1st day of March 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**



Public Utility Commission of Texas

By These Presents Be It Known To All That

Quadvest, LP

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, Quadvest, LP is entitled to this

Certificate of Convenience and Necessity No. 11612

to provide continuous and adequate water utility service to that service area or those service areas in Aransas, Brazoria, Fort Bend, Harris, Jackson, Liberty, Matagorda, Montgomery, Walker, and Waller Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52642 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Quadvest, LP 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.



Public Utility Commission of Texas

By These Presents Be It Known To All That

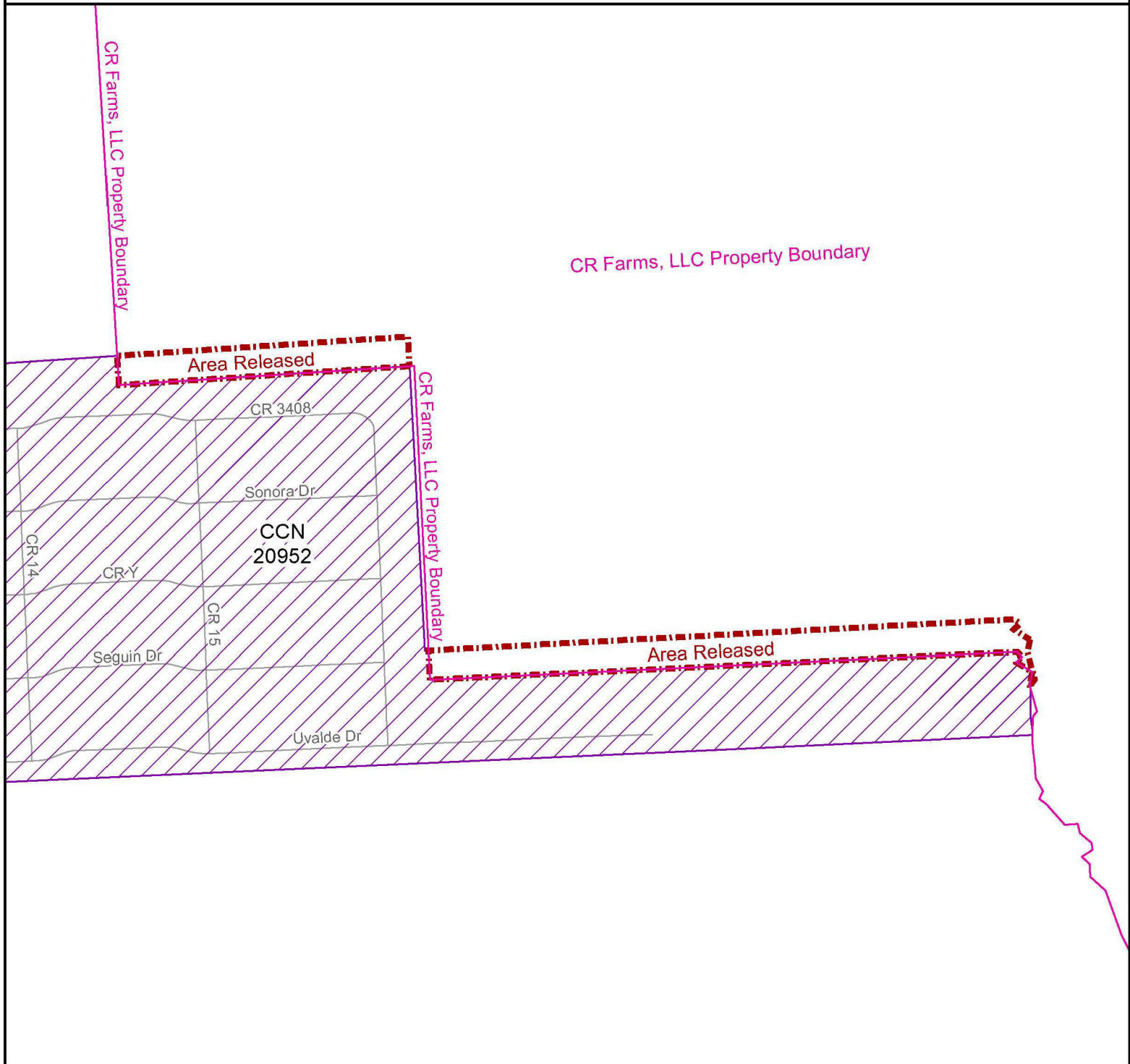
Quadvest, LP

having obtained certification to provide sewer 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, Quadvest, LP is entitled to this

Certificate of Convenience and Necessity No. 20952

to provide continuous and adequate sewer utility service to that service area or those service areas in Fort Bend, Harris, Liberty, Montgomery, and Waller Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52642 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Quadvest, LP 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.

Quadvest, LP
Portion of Sewer CCN No. 20952
PUC Docket No. 52642
Petition by CR Farms, LLC to Amend
Quadvest, LP's CCN by Streamlined Expedited Release in Liberty County



Sewer CCN

 20952 - Quadvest LP

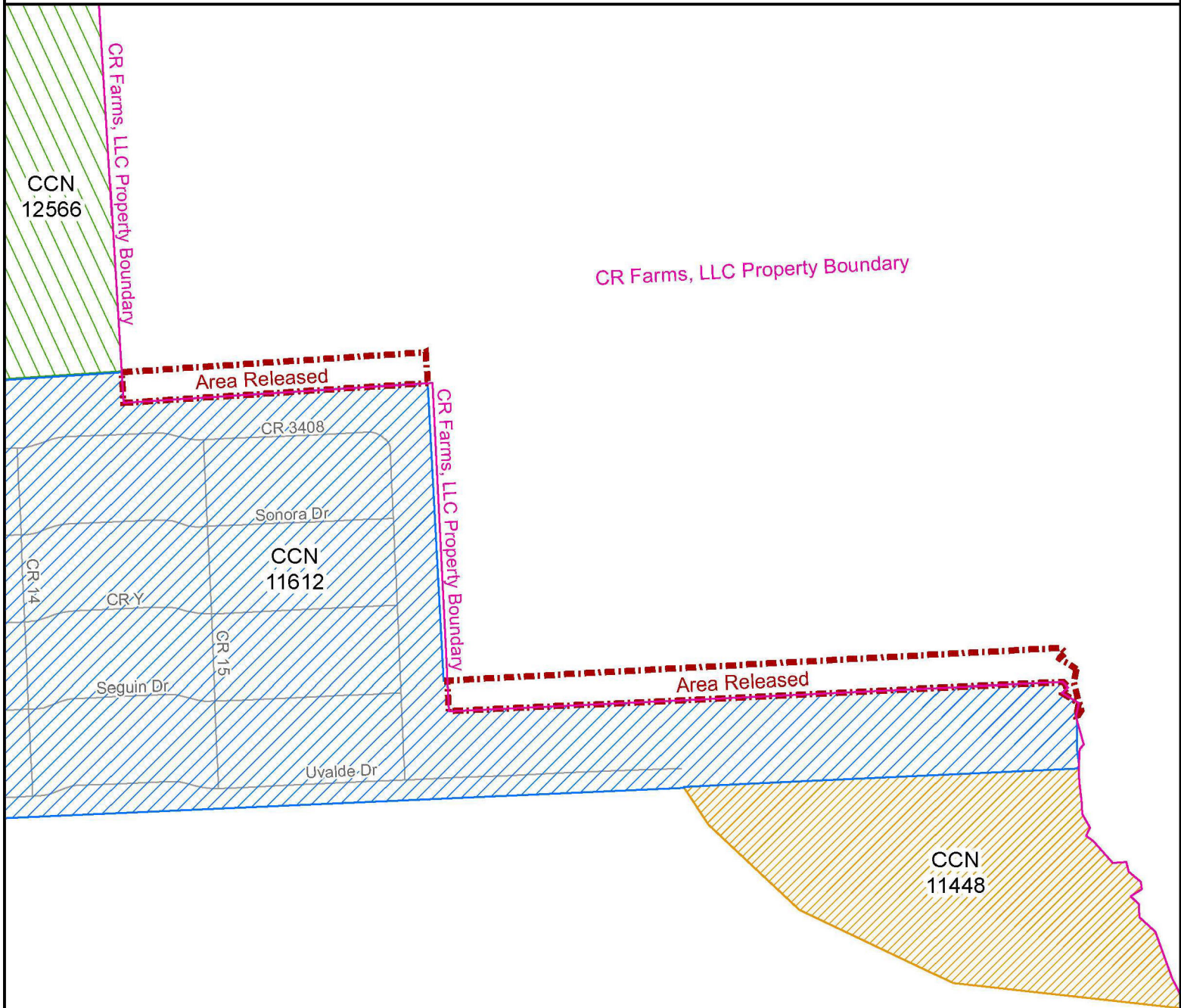
 Area Released

 Property Boundary

0 575 1,150
Feet



Quadvest, LP
Portion of Water CCN No. 11612
PUC Docket No. 52642
Petition by CR Farms, LLC to Amend
Quadvest, LP's CCN by Streamlined Expedited Release in Liberty County



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

Water CCN

-  11612 - Quadvest LP
-  12566 - South Cleveland WSC
-  11448 - Tarkington SUD

-  Area Released
-  Property Boundary

0 575 1,150
Feet



Map by: Komal Patel
Date: January 10, 2022
Project: 52462QuadvestWater.mxd