



Filing Receipt

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DOCKET NO. 52655

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| PETITION OF MCCART ST, LLC TO | § | PUBLIC UTILITY COMMISSION |
| AMEND BOLIVAR WATER SUPPLY | § | |
| CORPORATION'S CERTIFICATE OF | § | OF TEXAS |
| CONVENIENCE AND NECESSITY IN | § | |
| DENTON COUNTY BY EXPEDITED | § | |
| RELEASE | § | |

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On September 28, 2021, McCart St, LLC (McCart) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) number 11257 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). McCart asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On October 29, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of December 2, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its recommendation on final disposition. Therefore, this pleading is timely filed.

I. FINAL RECOMMENDATION

After review, and as supported by the attached memorandum of Jolie Mathis of the Infrastructure Division, Staff recommends approval of the application. Staff's review indicates that McCart meets the requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code, to allow for the release of the tract of land from Bolivar WSC's CCN number 11257.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that McCart's petition be approved.

Dated: December 2, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Andy Aus
Andy Aus
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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 via electronic mail on December 2, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: December 2, 2021

RE: Docket No. 52655 – *Petition of McCart St, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Expedited Release*

On September 28, 2021, McCart St, LLC (McCart) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water certificate of convenience and necessity (CCN) No. 11257 in Denton County, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). McCart asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

Gary Horton, of the Infrastructure Division, determined the map and digital data are sufficient for determining the location of the tract of land considered for streamlined expedited release and is located within Bolivar WSC's water CCN. Furthermore, McCart provided a warranty deed confirming ownership of the tract of land within Bolivar WSC's certificated service area. In addition, McCart submitted a sworn affidavit attesting that the property was not receiving water service from the CCN holder.

Based on the mapping review by Mr. Horton it was determined:

- The entire tract of land is approximately 298 acres.
- The portion of the tract considered for release is approximately 251 acres.
- The area to be released from Bolivar WSC (CCN No. 11257) is approximately 250 acres.

Bolivar WSC responded and stated it is capable of providing water service to the area (24.245(f)(9)).

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), McCart has met the Commission's requirements to allow for the release of the tract of land from Bolivar WSC's

CCN No. 11257. 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.



Public Utility Commission of Texas

By These Presents Be It Known To All That

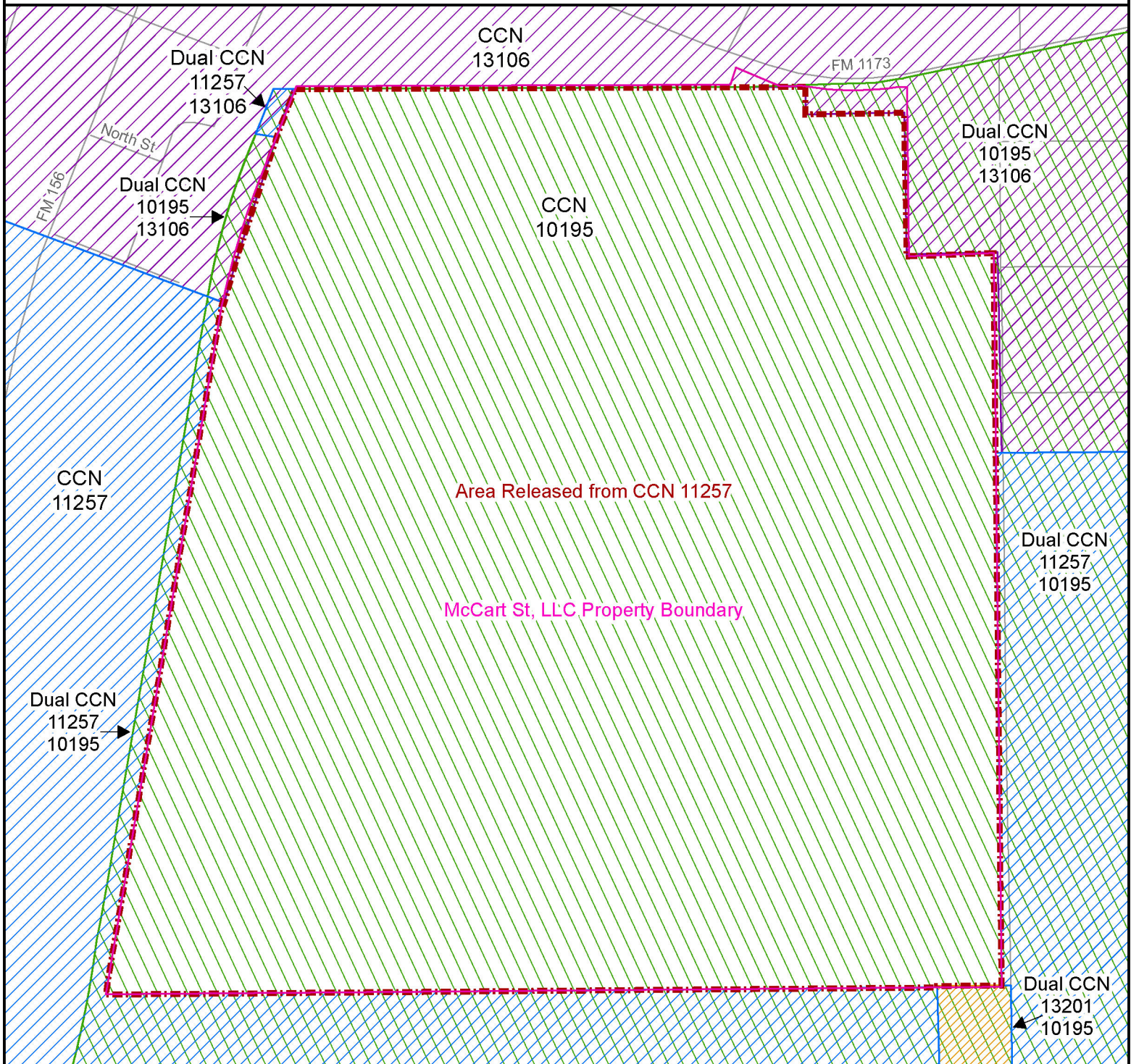
Bolivar Water Supply Corporation

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, Bolivar Water Supply Corporation, is entitled to this

Certificate of Convenience and Necessity No. 11257





to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52655 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 Bolivar 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.

Bolivar Water Supply Corporation
 Portion of Water CCN No. 11257
 PUC Docket No. 52655
 Petition by McCart St, LLC to Amend
 Bolivar Water Supply Corporation's CCN by Expedited Release in Denton County



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

Water CCN

-  11257 - Bolivar WSC
-  10195 - City of Denton
-  13201 - Aqua Texas Inc
-  13106 - City of Krum

-  Area Released
-  Property Boundary

0 275 550
 Feet



Map by: Komal Patel
 Date: November 29, 2021
 Project: 52655BolivarWSC.mxd