



Filing Receipt

Received - 2022-02-10 01:36:02 PM
Control Number - 52696
ItemNumber - 14

DOCKET NO. 52696

PETITION OF FIRMITAS	§	PUBLIC UTILITY COMMISSION
INVESTMENTS, LLC TO AMEND	§	
GUADALUPE-BLANCO RIVER	§	OF TEXAS
AUTHORITY'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
COMAL COUNTY BY EXPEDITED	§	
RELEASE	§	

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On October 12, 2021, Firmitas Investments, LLC (Firmitas) filed a petition for streamlined expedited release from Guadalupe-Blanco River Authority's (GBRA) sewer Certificate of Convenience and Necessity (CCN) No. 20892 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Firmitas asserts that the land to be released is at least 25 acres, is not receiving water or sewer service, and is in Comal County, which is a qualifying county. On October 19, 2021, Firmitas filed supplemental filings in the docket. On November 23, 2021, Firmitas filed a response to Order No. 2. On November 30, 2021, the administrative law judge (ALJ) granted GBRA's motion to intervene.

On January 12, 2022, the ALJ filed Order No. 4, establishing a deadline of February 10, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed Firmitas'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 tract of land for which Firmitas seeks streamlined expedited release is located in a qualifying county (Comal County), is at least 25 acres in size, is not receiving sewer service, and is located within GBRA's sewer certificated service area. In addition, Firmitas has provided a warranty deed confirming its ownership of the tract of land. GBRA requested to intervene. The final sewer CCN map and certificate are attached to this filing. Accordingly, Staff recommends that the petition for streamlined expedited release be approved.

II. CONCLUSION

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

Dated: February 10, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Phillip Lehmann

Phillip Lehmann
State Bar No. 24100140
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711
(512) 936-7385
(512) 936-7268 (facsimile)
phillip.lehmann@puc.texas.gov

DOCKET NO. 52696

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 February 10, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann

Phillip Lehmann

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: February 10, 2022

RE: Docket No. 52696 – *Petition of Firmitas Investments, LLC to Amend Guadalupe-Blanco River Authority's Certificate of Convenience and Necessity in Comal County by Expedited Release*

On October 12, 2021, Firmitas Investments LLC (Firmitas) filed a petition for streamlined expedited release from Guadalupe-Blanco River Authority's (GBRA) sewer Certificate of Convenience and Necessity (CCN) No. 20892 in Comal County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Firmitas asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Comal County, which is a qualifying county.

Firmitas submitted a sworn affidavit attesting that the property was not receiving sewer service from GBRA and a warranty deed confirming Firmitas's ownership of the tract of land.

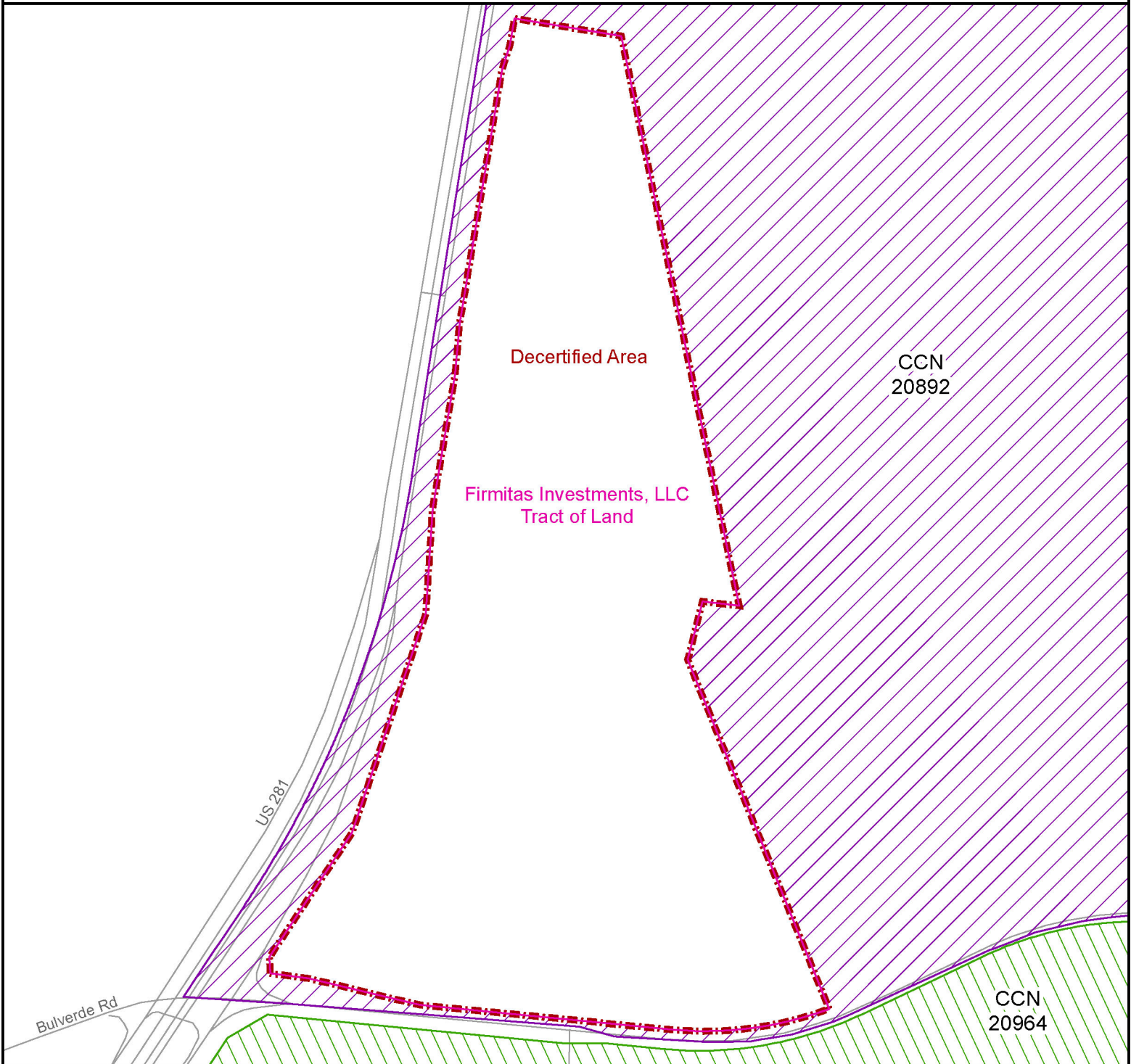
GBRA requested to intervene.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the landowner's total property is approximately 100 acres. The tract of land in the petition for streamlined expedited release is approximately 100 acres, of which approximately 100 acres overlap Guadalupe-Blanco River Authority (CCN No. 20892) and would be decertified from CCN No. 20892.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Firmitas has met the Commission's requirements to allow for the release of the tract of land from GBRA's CCN No. 20892. 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.

Guadalupe-Blanco River Authority
Portion of Sewer CCN No. 20892
PUC Docket No. 52696
Petition by Firmitas Investments, LLC to Amend
Guadalupe-Blanco River Authority's CCN by Streamlined Expedited Release in Comal County



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

Sewer CCN

-  20892 - Guadalupe-Blanco River Authority
-  20964 - South Central Water Company
-  Decertified Area
-  Tract of Land

0 275 550
Feet



Map by: Komal Patel
Date: January 19, 2022
Project: 52696GuadalupeBlanco.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Guadalupe-Blanco River Authority

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, Guadalupe-Blanco River Authority is entitled to this

Certificate of Convenience and Necessity No. 20892

to provide continuous and adequate sewer utility service to that service area or those service areas in Comal County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52696 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 Guadalupe-Blanco River Authority 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.