



## Filing Receipt

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**Control Number - 52697**

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**DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS INDUSTRIAL, LLC AND WEBB INDUSTRIAL, LLC TO AMEND BOLIVAR WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY EXPEDITED RELEASE</b>	<b>§ § § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

On October 12, 2021, Sanger Texas Industrial, LLC (Sanger) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) No. 11257 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). On November 22, 2021, Sanger and Webb Industrial, LLC (Webb) (jointly, Petitioners) filed an amended petition. Petitioners assert 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.<sup>1</sup> According to the 2010 Census,<sup>2</sup> Denton County has a population of 662,614<sup>3</sup> and is adjacent to Dallas County, which has a population of 2,368,139.<sup>4</sup>

On December 14, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 18, 2022, 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 Pai Liu of the Commission's Infrastructure Division, Staff recommends approval of the application. Bolivar

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<sup>1</sup> TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

<sup>2</sup> See Tex. Gov't Code § 2058.0021 for applicability of 2010 Census for determination whether the land is in a qualifying county.

<sup>3</sup> U.S. Census Bureau, Census Data for Denton County, QuickFacts Denton County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dentoncountytexas/POP010210> (last accessed on Jan. 14, 2022).

<sup>4</sup> U.S. Census Bureau, Census Data for Dallas County, QuickFacts Dallas County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dallascountytexas/PST045221> (last accessed on Jan. 14, 2022).

WSC filed responses to the petition on November 19, 2021 and January 4, 2022 but did not contest Petitioner's right to the requested release. Instead, Bolivar WSC requested that the compensation phase of this proceeding be initiated if the petition is approved by the Commission. Staff agrees with this request. Staff's review indicates that Petitioners meet 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 Petitioner's petition be approved.

Dated: January 18, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 52697**

**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 January 18, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus  
Andy Aus

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Andrew Aus, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** January 18, 2022

**RE:** Docket No. 52697– *Petition of Sanger Texas Industrial, LLC and Webb Industrial, LLC to Amend Bolivar Water Supply Corporation’s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

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On October 12, 2021, Sanger Texas Industrial, LLC (Sanger) 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(b) and 16 Texas Administrative Code (TAC) § 24.245(h). On November 22, 2021, Sanger and Webb Industrial, LLC (Webb) (jointly Petitioners) filed an amended petition. The Petitioners assert 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, Infrastructure Division, determined the map and digital data are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Bolivar WSC’s water CCN. Furthermore, Petitioners provided a warranty deed confirming ownership of the tract of land within Bolivar WSC’s certificated service area. In addition, Petitioners submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder.

Based on the mapping review by Mr. Horton it was determined that the landowner’s total property is approximately 211 acres. The tract of land to be released is approximately 211 acres, of which approximately 188 acres overlap Bolivar WSC (CCN No. 11257) and are to be decertified from CCN No. 11257.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Bolivar WSC on the date the petition was filed with the Commission.

Bolivar WSC filed a response on November 19, 2021 and a supplemental response on January 4, 2022.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Petitioners have 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**

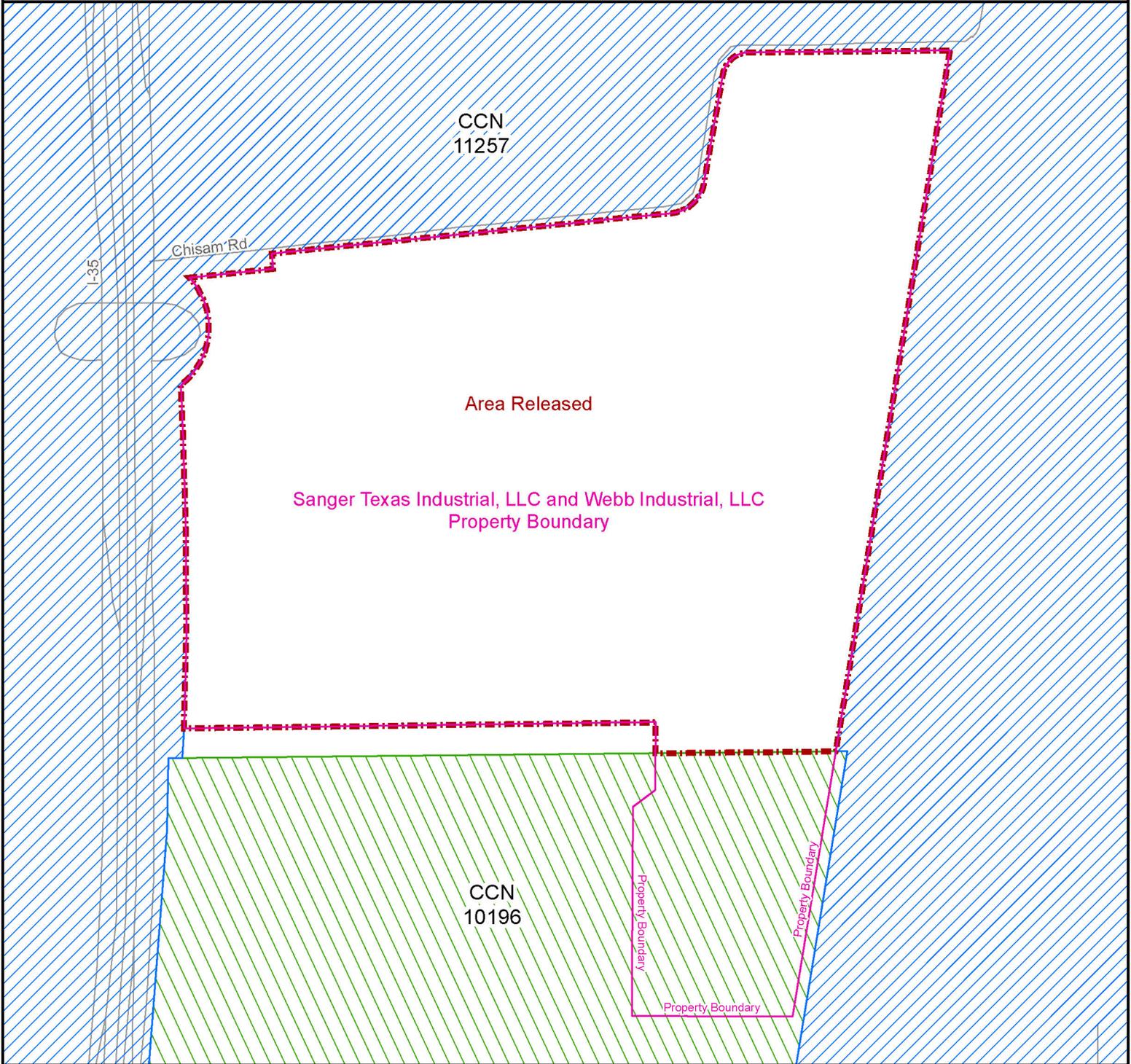
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Bolivar Water Supply Corporation is entitled 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 Cooke, Denton, and Wise Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52697 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 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. 52697

Petition by Sanger Texas Industrial, LLC and Webb Industrial, LLC to Amend  
Bolivar Water Supply Corporation's CCN by Expedited Release in Denton County



**Water CCN**

-  11257 - Bolivar WSC
-  10196 - City of Sanger

-  Area Released
-  Property Boundary

