



Control Number: 52697



Item Number: 19

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner



Greg Abbott
Governor

Thomas J. Gleeson
Executive Director

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Public Utility Commission of Texas

TO: Chairman Peter M. Lake
Commissioner Will McAdams
Commissioner Lori Cobos
Commissioner Jimmy Glotfelty

All Parties of Record

FROM: Stephen Journeay, Commission Counsel

DATE: 23 March 2022

RE: March 31, 2022 Open Meeting – Item No. 14

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.

A proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission adopts the proposed order, I recommend the following changes.

The introductory paragraph of the proposed order should be modified to reflect that only a portion of the tract of land is located within the certificate of convenience and necessity (CCN) holder's certificated service area and that only the portion of the tract of land is being released from the CCN holder's certificated service area in this proceeding.

This Order addresses the amended petition of Sanger Texas Industrial, LLC and Webb Industrial, LLC for streamlined expedited release of a portion of a tract of land in Denton County from Bolivar Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 11257. For the reasons stated in this Order, the Commission releases the portion of the tract of land from Bolivar WSC's certificated service area. In addition, the Commission amends Bolivar WSC's CCN number 11257 to reflect the removal of the released portion of the tract of land from the service area.

The following proposed findings of fact should be modified to reflect that only a portion of the tract of land is located within the CCN holder's certificated service area and that only the



portion of the tract of land is being released from the CCN holder's certificated service area in this proceeding.

5. On October 12, 2021, one of the petitioners, Sanger, filed a petition for streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 11257.
16. The petitioners own a ~~property tract of land~~ in Denton County that is approximately 211 acres.
17. The portion of the tract of land for which the petitioners seek streamlined expedited release ~~is a portion of the petitioners' property that is~~ approximately 188 acres and is located within the CCN holder's certificated service area.
19. The petitioners acquired the ~~property tract of land~~ by a special warranty deed dated May 7, 2021.
27. On January 18, 2022, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land and the portion of the tract of land for which the petitioners seek streamlined expedited release in relationship to the CCN holder's certificated service area.

The following proposed conclusions of law should be modified to reflect that only a portion of the tract of land is located within the CCN holder's certificated service area and that only the portion of the tract of land is being released from the CCN holder's certificated service area in this proceeding.

10. The petitioners own the tract of land that is at least 25 acres, and the petitioners for which they seek streamlined expedited release of a portion of the tract of land through the amended petition.
13. The petitioners are entitled under TWC § 13.2541(b) to the release of the portion 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 released portion of the petitioners' tract of land.
18. A retail public utility may not under TWC § 13.254(d) provide retail water service to the public within the released portion of the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

The following proposed ordering paragraphs should be modified to reflect that only a portion of the tract of land is located within the CCN holder's certificated service area and that only the portion of the tract of land is being released from the CCN holder's certificated service area in this proceeding.

1. The Commission releases the portion of the tract of land identified in the amended petition from the CCN holder's certificated service area under CCN number 11257.
2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the released portion of the tract of land.

Finally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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