



Filing Receipt

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DOCKET NO. 52774

PETITION OF MCCART ST, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND CITY OF DENTON'S	§	
CERTIFICATES OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN DENTON	§	
COUNTY BY EXPEDITED RELEASE	§	

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On October 29, 2021, McCart St, LLC (McCart St) filed a petition for streamlined expedited release from the City of Denton's (Denton) water and sewer certificate of convenience and necessity (CCN) numbers 10195 and 20072 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). McCart St 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 November 30, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of January 4, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to make a recommendation on final disposition. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed McCart St's petition and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the petition be approved. Staff recommends that the petition be found to satisfy the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property for which McCart St's seeks streamlined expedited release is (i) at least 25 acres in size; (ii) not receiving water or sewer service from Denton; and (iii) located within a qualifying county. McCart St has provided deeds confirming its ownership of the property. Denton has not responded to the petition and there have been no intervenors in this proceeding. The final water CCN map, sewer CCN map, water certificate, and sewer 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: December 23, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ R. Floyd Walker

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**DOCKET NO. 52774
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 on December 23, 2021 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker

R. Floyd Walker

Public Utility Commission of Texas

Memorandum

TO: Floyd Walker, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 23, 2021

RE: Docket No. 52774 – *Petition of McCart St, LLC to Amend City of Denton's Certificates of Convenience and Necessity in Denton County by Expedited Release*

On October 29, 2021, McCart St, LLC (McCart St) filed a petition for streamlined expedited release from City of Denton's (Denton) water and sewer certificates of convenience and necessity (CCN) Nos. 10195 and 20072, respectively, in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). McCart St asserts that the land is at least 25 contiguous acres, is not receiving water or sewer 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 Denton's water and sewer CCN. Furthermore, McCart St provided a warranty deed confirming ownership of the tract of land within Denton's certificated service area. In addition, McCart St submitted a sworn affidavit attesting that the property was not receiving water or sewer service from the CCN holder.

The entire tract of land is approximately 298 acres. The portion of the tract considered for release is approximately 251.2 acres. The portion of the tract considered for release that overlaps Denton's CCN Nos. 10195 & 20072 is approximately 250.6 acres.

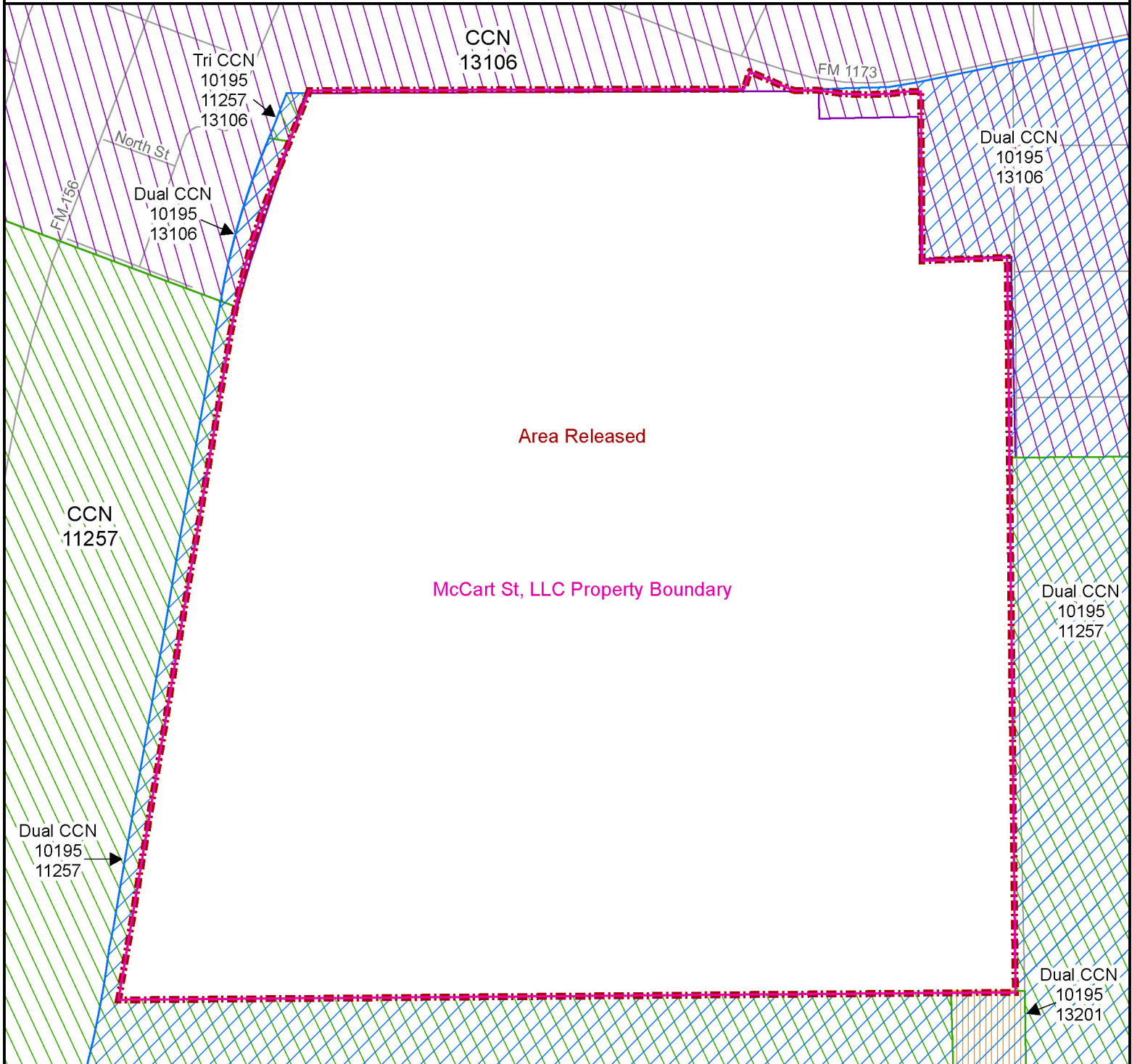
The area to be released from Denton, CCN Nos. 10195 & 20072, is approximately 250.6 acres.

Denton did not move to intervene in this proceeding.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), McCart St has met the Commission's requirements for the release of the tract of land from Denton's CCN Nos. 10195 & 20072. Therefore, I recommend approval of the petition. Enclosed are final maps and certificates for Commission approval.




Additionally, I recommend that final maps and certificates be provided to the CCN holder.

City of Denton
 Portion of Water CCN No. 10195
 PUC Docket No. 52774
 Petition by McCart St, LLC to Amend
 City of Denton's CCN by Expedited Release in Denton County



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

Water CCN

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

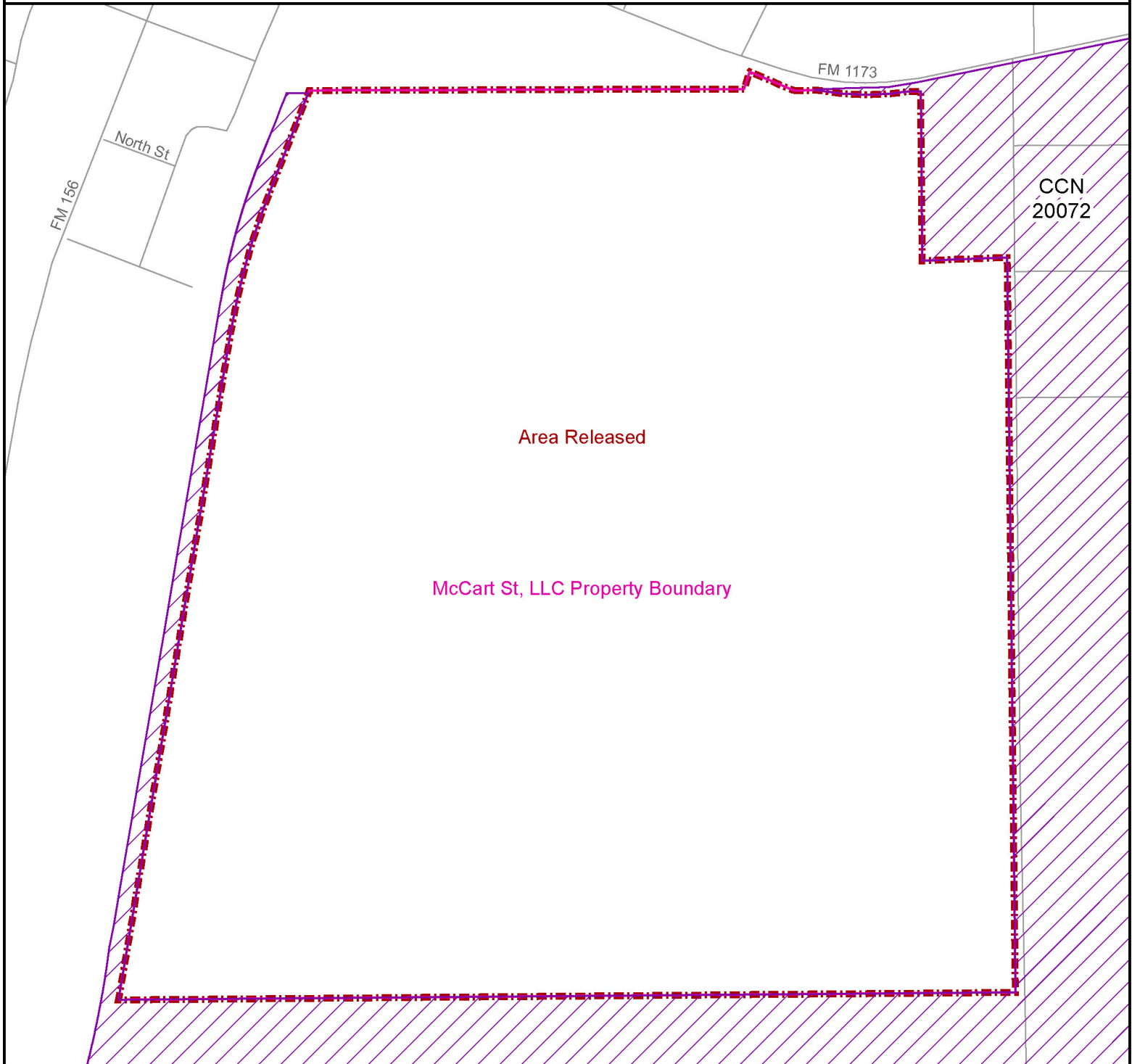
-  Area Released
-  Property Boundary

0 275 550
 Feet




Map by: Komal Patel
 Date: December 13, 2021
 Project: 52774CityofDenton.mxd

City of Denton
Portion of Sewer CCN No. 20072
PUC Docket No. 52774
Petition by McCart St, LLC to Amend
City of Denton's CCN by Expedited Release in Denton County



Sewer CCN

 20072 - City of Denton

 Area Released

 Property Boundary

0 275 550
Feet





Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Denton

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, City of Denton is entitled to this

Certificate of Convenience and Necessity No. 10195

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. 52774 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 City of Denton 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

City of Denton

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, City of Denton is entitled to this

Certificate of Convenience and Necessity No. 20072

to provide continuous and adequate sewer 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. 52774 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 City of Denton 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.