



## Filing Receipt

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**DOCKET NO. 53084**

<b>PETITION OF INSPIRATION WEST, LLC TO AMEND SEIS LAGOS UTILITY DISTRICT'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY STREAMLINED EXPEDITED RELEASE</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**ORDER NO. 4  
GRANTING STREAMLINED EXPEDITED RELEASE**

This Order addresses the petition by Inspiration West, LLC for streamlined expedited release of a tract of land in Collin County from Seis Lagos Utility District's service area under certificate of convenience and necessity (CCN) number 11256. For the reasons stated in this Order, the Commission releases the tract of land from Seis Lagos' certificated service area. In addition, the Commission amends Seis Lagos' CCN number 11256 to reflect the removal of the tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Seis Lagos, which will be addressed by separate order.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Inspiration West is a Texas limited liability company registered with the Texas secretary of state under filing number 804317187.

**CCN Holder**

2. Seis Lagos is a conservation and reclamation district created and organized under Article XVI, Section 59 of the Texas Constitution.
3. Seis Lagos holds CCN number 11256 that obligates it to provide retail water service in its certificated service area in Collin County.

**Petition**

4. On January 12, 2022, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11256.
5. On February 4, 2022, the petitioner filed an amended petition.
6. The petition and amended petition include affidavits, dated January 11 and February 2, 2022, of Phillip Huffines, managing director of petitioner; general and detail location maps; a special warranty deed, dated December 17, 2021, with a legal description of the property; digital mapping data; and proof of notice to the CCN holder.
7. On February 25, 2022, the petitioner filed a corrected affidavit, dated February 25, 2022, of Mr. Huffines and revised maps.
8. In Order No. 3 filed on April 19, 2022, the administrative law judge (ALJ) found the petition administratively complete.

**Notice**

9. On January 12, 2022, the petitioner sent a copy of the petition by certified mail, return receipt requested, to the CCN holder.
10. On February 4, 2022, the petitioner sent a copy of the amended petition by certified mail, return receipt requested, to the CCN holder.
11. In Order No. 3 filed on April 19, 2022, the ALJ found the notice sufficient.

**Response to the Petition**

12. The CCN holder did not file a response to the petition.

**The Tract of Land**

13. The petitioner owns property in Collin County that is 73.2 acres.
14. The tract of land for which the petitioner seeks streamlined expedited release is a portion of the petitioner's property that is approximately 72 acres.
15. The tract of land is located within the CCN holder's certificated service area.

**Ownership of the Tract of Land**

16. The petitioner acquired their property by a special warranty deed dated December 17, 2021.

**Qualifying County**

17. Collin County is adjacent to Dallas County and has a population of more than 47,500.
18. Dallas County has a population of at least one million.

**Water Service**

19. The tract of land is not receiving actual water service from the CCN holder or any other water service provider.
20. The petitioner has not requested that the CCN holder provide water service to the tract of land.
21. The petitioner has not paid any fees or charges to initiate or maintain water service for the tract of land.
22. There are no billing records or other documents indicating an existing account with the CCN holder for the provision of water service to the tract of land.
23. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
24. The CCN holder has no facilities or lines that provide water service to the tract of land.
25. The CCN holder has not performed any acts for or supplied anything to the tract of land.

**Map and Certificate**

26. On May 31, 2022, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land in relation to the CCN holder's certificated service area.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over the petition for streamlined expedited release under Texas Water Code (TWC) §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).

3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition.
6. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.
7. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving water service under TWC § 13.2541(b). Whether a tract of land might have previously received water service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its property.
10. The petitioner owns the tract of land that is at least 25 acres for which it seeks streamlined expedited release.
11. Collin County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
12. The tract of land is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
13. The petitioner is entitled under TWC § 13.2541(b) to the release 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 tract of land.

15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertificate any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
16. The Commission processed the petition in accordance with the TWC and Commission rules.
17. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Collin County no later than the 31st day after the date the CCN holder receives this Order.
18. A retail public utility may not, under TWC §§ 13.254(d) and 13.2541(a), provide retail water service to the public within the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the tract of land identified in the petition from the CCN holder's certificated service area under CCN number 11256.
2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the tract of land.
3. The Commission amends CCN number 11256 in accordance with this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificate attached to this Order.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences on the date of this Order in accordance with the schedule adopted in Order No. 3. Any decision on compensation will be made by a separate order.

8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

**Signed at Austin, Texas the 17th day of June 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

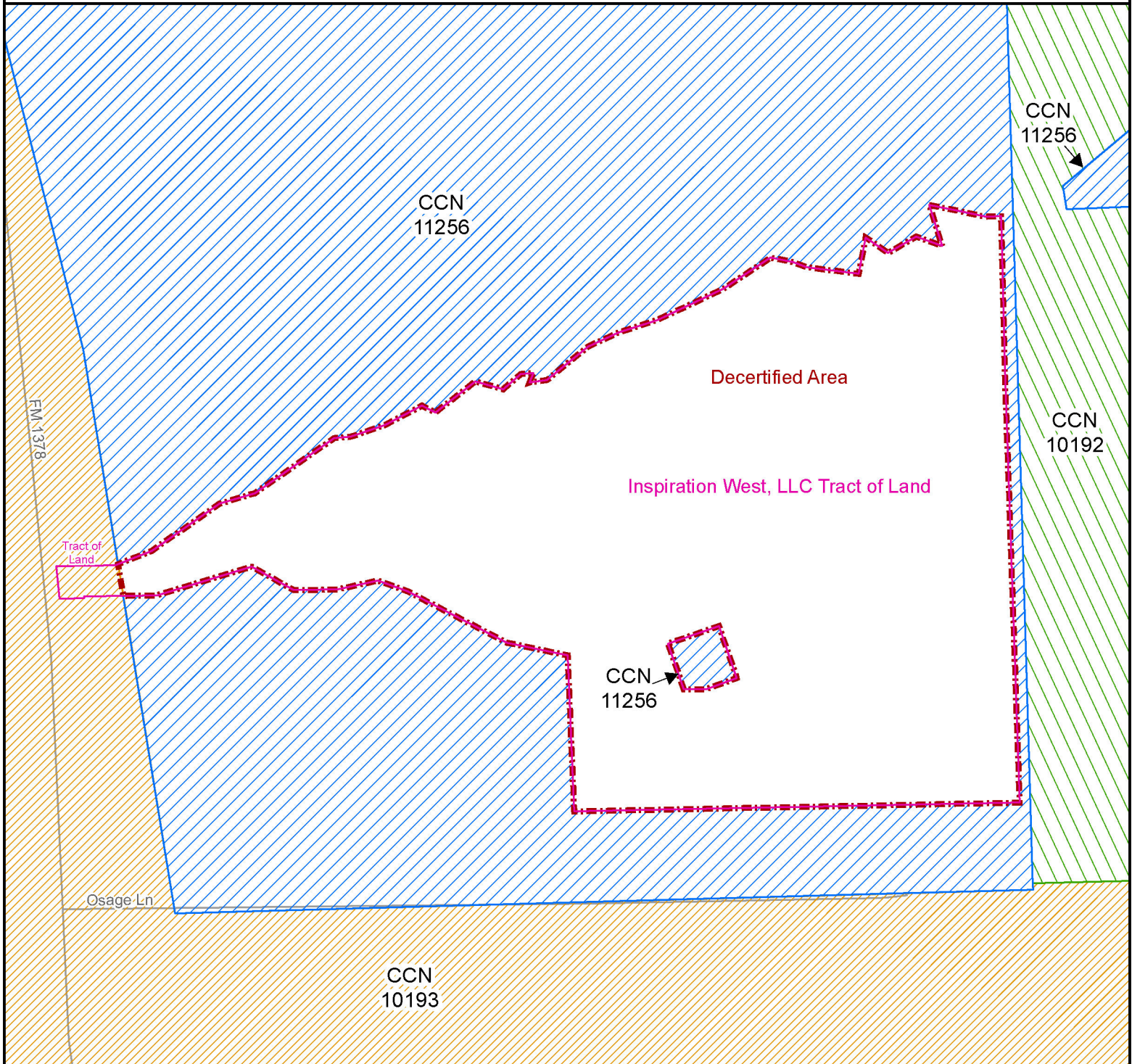


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**KATIE MOORE MARX  
ADMINISTRATIVE LAW JUDGE**





Seis Lagos Utility District  
 Portion of Water CCN No. 11256  
 PUC Docket No. 53084  
 Petition by Inspiration West, LLC to Amend  
 Seis Lagos Utility District's CCN by Streamlined Expedited Release in Collin County



**Water CCN**

-  11256 - Seis Lagos Utility District
-  10192 - Wylie Northeast SUD
-  10193 - City of Lucas

-  Decertified Area
-  Tract of Land







# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Seis Lagos Utility District**

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, Seis Lagos Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 11256**

to provide continuous and adequate water utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53084 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 Seis Lagos Utility District 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.