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Received - 2022-04-21 09:19:58 AM
Control Number - 53201
ItemNumber - 8

DOCKET NO. 53201

PETITION OF 2021 FII WALNUT	§	PUBLIC UTILITY COMMISSION
SPRINGS, LLC TO AMEND SPRINGS	§	
HILL WATER SUPPLY	§	OF TEXAS
CORPORATION'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
GUADALUPE COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On February 8, 2022, 2021 FII Walnut Springs, LLC (FII Walnut Springs) filed a petition for streamlined expedited release from Springs Hill Water Supply Corporation's (Springs Hill WSC) water Certificate of Convenience and Necessity (CCN) No. 10666 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). FII Walnut Springs asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe County, which is a qualifying county.

On March 11, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of April 21, 2022 for the Staff (Staff) of the Public Utility Commission (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition and, as detailed in the attached memorandum from James Harville, Infrastructure Division, recommends that the petition, with one exception, satisfies the requirements of TWC § 13.2541 and 16 TAC § 24.245(h). Springs Hill WSC intervened but did not file a verified response to the administratively complete petition. Additionally, FII Walnut Springs filed a response to Order No. 2, agreeing with Staff and the ALJ that the 0.19 acre tract of land included in the petition does not qualify for release because it is not at least 25 acres and is not contiguous with a qualifying tract of land. Accordingly, Staff recommends that the petition for streamlined expedited release be approved, with the exception of the 0.19 acre tract of land that does not qualify for release. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Springs Hill WSC and for Springs Hill WSC to file a certified copy of the CCN map and a boundary description of the CCN service area in the Guadalupe County Clerk's office, as required under TWC § 13.257(r)-(s).

II. CONCLUSION

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

Dated: April 21, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ Scott Miles
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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 April 21, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles and Bradley Reynolds, Attorneys
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: April 21, 2022

RE: Docket No. 53201 – *Petition of 2021 FII Walnut Springs, LLC to Amend Springs Hill Water Supply Corporation's Certificate of Convenience and Necessity in Guadalupe County by Streamlined Expedited Release*

On February 8, 2022, 2021 FII Walnut Springs, LLC (FII Walnut Springs) filed a petition for streamlined expedited release from Springs Hill Water Supply Corporation's (Springs Hill WSC) water Certificate of Convenience and Necessity (CCN) No. 10666 in Guadalupe County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). FII Walnut Springs asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe County, which is a qualifying county.

Based on the mapping review by Gary Horton, Infrastructure Division, it was determined the landowner's total property is approximately 200.81 acres divided into three non-contiguous tracts of land. The 0.19-acre tract of land does not meet the 25-acre requirement and thus does not qualify for release. The two qualifying tracts of land in the petition for streamlined expedited release are approximately 104.60 acres for the northern tract, of which approximately 104.60 acres overlap Springs Hill WSC (CCN No. 10666) and would be decertified from CCN No. 10666, and approximately 96.02 acres for the southern tract, of which approximately 96.02 acres overlap Springs Hill WSC (CCN No. 10666) and would be decertified from CCN No. 10666.

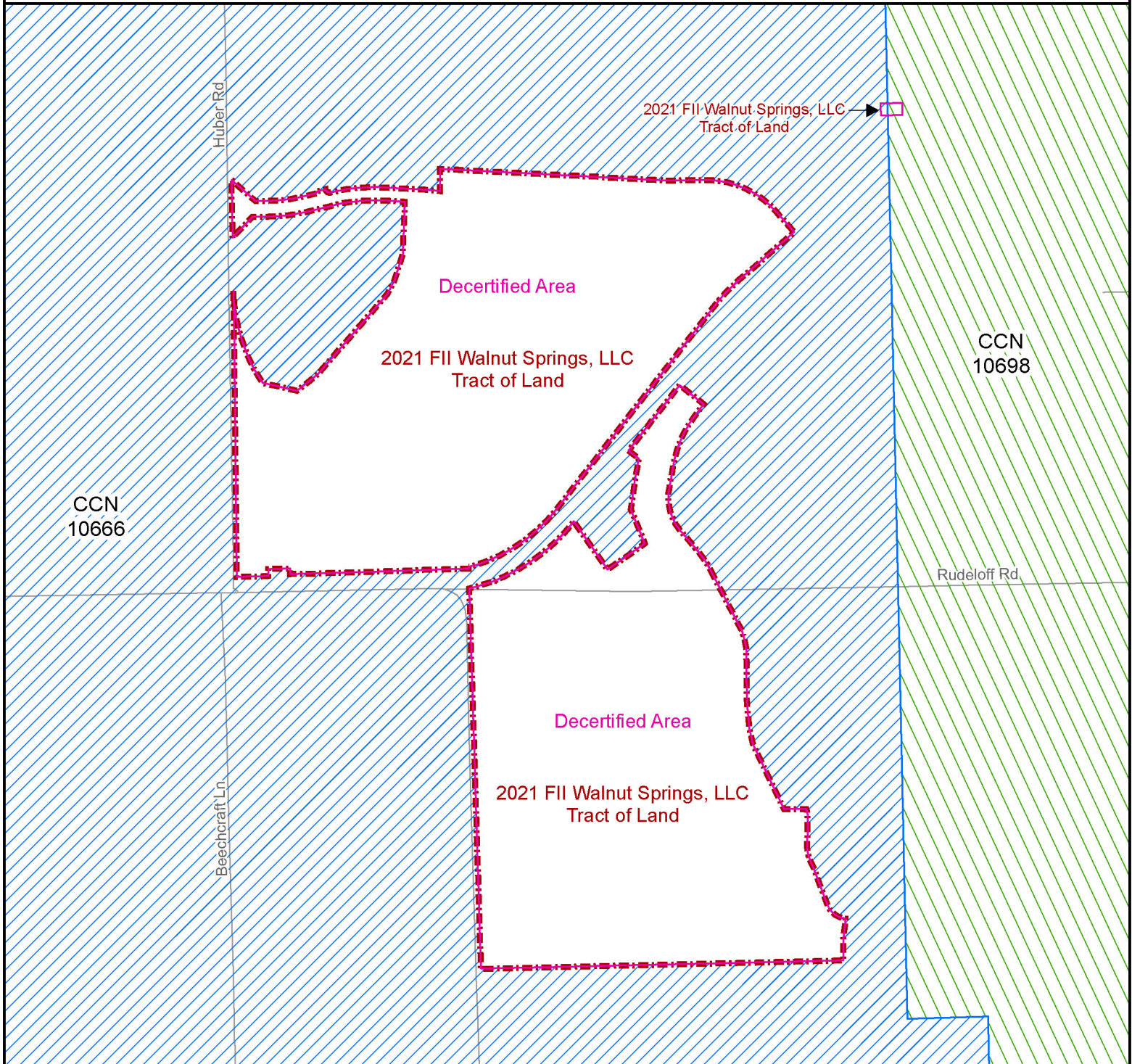
FII Walnut Springs provided warranty deeds confirming ownership of the tracts of land within Springs Hill WSC's certificated service area. In addition, FII Walnut Springs submitted a sworn affidavit attesting that the tracts of land are not receiving water service from the CCN holder. Springs Hill WSC intervened but did not file a verified response to the administratively complete petition.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), FII Walnut Springs has met the Commission's requirements to allow for the release of the qualifying tracts of land from

Springs Hill WSC's CCN No. 10666. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.



Additionally, I recommend that the final map and certificate be provided to the CCN holder.



Springs Hill Water Supply Corporation
Portion of Water CCN No. 10666
PUC Docket No. 53201
Petition by 2021 FII Walnut Springs, LLC to Amend
Springs Hill Water Supply Corporation's CCN by Streamlined Expedited Release in Guadalupe County



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

Water CCN

-  10666 - Springs Hill WSC
-  10698 - City of Seguin

-  Decertified Area
-  Tract of Land

0 400 800
Feet



Map by: Komal Patel
Date: April 8, 2022
Project: 53201SpringsHillWSC.mxd