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PUC DOCKET NO. 53254

PETITION OF STC GROUP MILLER,	§	PUBLIC UTILITY COMMISSION
LLC TO AMEND BOLIVAR WATER	§	
SUPPLY CORPORATION'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN DENTON	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

**BOLIVAR WATER SUPPLY CORPORATION'S
EXCEPTIONS TO PROPOSED ORDER**

Bolivar Water Supply Corporation ("Bolivar") hereby submits this its exceptions to the Proposed Order drafted herein.

The Application is for an expedited release from Bolivar. A Proposed Order was prepared with no evidentiary record. Bolivar hereby submits an exception to the Proposed Order.

Bolivar holds CCN Number 11257. It has water resources that obligates it to provide retail water throughout its CCN service area. It has planned for such service. There is no evidence in the record that Bolivar cannot serve the entirety of the service area, including the Petitioner's property. Thus, all acts Bolivar has taken to certificate the area, **acquire water resources**, and planning for service to its service area are "acts" that Bolivar has performed for and supplied to the tract in question and to all its service area. PUC Rules define service as: "Any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under TWC Chapter 13 to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities."¹ Thus, the acquisition of the CCN is the act performed to provide service. Further, all lines and facilities of Bolivar are utilities to serve its entire requested service area.

¹ PUC R. § 24.3 (33).

The record is devoid of any evidence that this is not the case. Indeed, the record is devoid of any evidence that the fact Bolivar was certificated to the tract in question and was, thus, obligated to serve that it was NOT an act for or to serve the tract in question.

As such, Finding of Fact No. 15 should be revised as follows: “15. The tract of land ~~not~~ is receiving water service from the CCN holder.” As the acquisition of the water resources is an act of the provision water service as defined in PUC rules, the statement should be revised.

Finding of Fact No. 22 should be revised as follows: “22. The CCN holder has ~~not~~ committed or dedicated ~~any~~ facilities or lines to the tract of land for water service.” As stated above, Bolivar is providing service and has committed resources to the provision of service to its entire service area. Absent a definition of what “committed and dedicated” means, the record is devoid of any evidence that Bolivar’s lines and facilities cannot serve the tract.

Finding of Fact No. 23 should be revised as follows: “23. The CCN holder has ~~no~~ facilities or lines that provide water service to the tract of land.” As stated above, Bolivar is providing service and has committed resources to the provision of service to its entire service area. The record is devoid of any evidence that Bolivar’s lines and facilities cannot serve the tract.

Finding of Fact No. 24 should be revised as follows: “24. The CCN holder has ~~not~~ performed any acts or supplied anything to the tract of land.” As stated above, Bolivar has performed acts to supply water to the entirety of its service territory. The record is devoid of any evidence to the contrary.

Conclusion of Law No. 12 should be revised as follows: “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.3rd 130 (Tex. App.-Austin 2014, pet. Denied).” As discussed above, Bolivar is providing service as defined in commission rules.

Conclusion of Law No. 13 should be revised as follows: “13. The petitioners are not entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder’s certificated service area.” As discussed above, Bolivar is providing service as defined in commission rules. As such, they are not entitled to decertification of the property.

For the reasons stated above, the following Ordering Paragraphs should be revised as follows:

1. The Commission ~~releases the tract of land identified in the amended petition from the CCN holder’s certificated service area under CCN number 11257~~ denies the amended application in its entirety.
3. ~~———— The Commission amend CCN number 11257 in accordance with this Order.~~
4. ~~———— The Commission approved 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 with the filing of this Order in accordance with the schedule adopted in Order No. 2. Any decision on compensation will be made by a separate order.~~

Bolivar respectfully requests that the exceptions to the findings of fact, conclusions of law, and ordering paragraphs be accepted and incorporated in the Commission's Final Order.

Respectfully submitted,

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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 the 8th day of June, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.