



## Filing Receipt

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**DOCKET NO. 53515**

<b>PETITION OF MAPLE VIEW</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEVELOPMENT, LLC TO AMEND</b>	<b>§</b>	
<b>ORBIT SYSTEMS, INC.'S</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN BRAZORIA</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

On April 21, 2022, Maple View Development, LLC (MPD) filed a petition for streamlined expedited release from Orbit Systems, Inc.'s (Orbit) water Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MPD asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Brazoria County, which is a qualifying county.

On August 31, 2022, the administrative law judge (ALJ) filed Order No. 5, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition by September 28, 2022. Therefore, this pleading is timely filed.

**I. FINAL RECOMMENDATION**

Staff has reviewed the petition and, as detailed in the attached memorandum of Jolie Mathis, Infrastructure Division, recommends that the petition be approved. Specifically, Staff recommends that the petition submitted by MPD satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Additionally, Orbit did not file a verified response to the petition to rebut MPD's attestations that the tract of land is not receiving service. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Orbit and for Orbit to file a certified copy of the CCN map and a boundary description of the CCN service area in the Brazoria County Clerk's office, as required under TWC § 13.257(r)-(s).

**II. CONCLUSION**

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

Dated: September 28, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
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**DOCKET NO. 53515**

**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 September 28, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Arnett Caviel, Attorneys  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** September 28, 2022

**RE:** Docket No. 53515 – *Petition of Maple View Development, LLC to Amend Orbit Systems, Inc.'s Certificate of Convenience and Necessity in Brazoria County by Expedited Release*

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On April 21, 2022, Maple View Development, LLC (MPD) filed a petition for streamlined expedited release from Orbit Systems, Inc.'s (Orbit) water Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MPD asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Brazoria County, which is a qualifying county.

MPD provided a special warranty deed confirming ownership of the tract of land within Orbit's certificated service area. In addition, MPD submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Orbit did not request to intervene; however, Orbit did request a 60-day extension to explore the possibility of providing service to the tract of land.<sup>1</sup> Orbit did not file a substantive response to the petition though.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the landowner's total property is approximately 235.3 acres. The tract of land in the petition for streamlined expedited release is approximately 235.3 acres, of which approximately 185.5 acres overlap Orbit (CCN No. 11982) and would be decertified from CCN No. 11982.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), MPD has met the Commission's requirements to allow for the release of the tract of land from Orbit's CCN No. 11982. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

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

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<sup>1</sup> Response from CCN Holder Orbit Systems, Inc. (Aug. 25, 2022).



# **Public Utility Commission of Texas**

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

## **Orbit Systems, Inc.**

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, Orbit Systems, Inc. is entitled to this

### **Certificate of Convenience and Necessity No. 11982**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53515 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 Orbit Systems, Inc. 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.

Orbit Systems, Inc.  
Portion of Water CCN No. 11982  
PUC Docket No. 53515  
Petition by Maple View Development, LLC to Amend  
Orbit Systems, Inc.'s CCN by Streamlined Expedited Release in Brazoria County



**Water CCN**

 11982 - Orbit Systems Inc

 Decertified Area

 Tract of Land

