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DOCKET NO. 53563

PETITION OF BENCHMARK	§	PUBLIC UTILITY COMMISSION
ACQUISITIONS, LLC TO AMEND	§	
MSEC ENTERPRISES INC.'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

I. BACKGROUND

On May 4, 2022, Benchmark Acquisitions, LLC (Benchmark) filed a petition for streamlined expedited release from MSEC Enterprises Inc.'s (MSEC) water certificate of convenience and necessity (CCN) number 12887 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Benchmark asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Benchmark filed supplemental information on July 5, 2022.

On August 10, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of September 20, 2022 for the Staff (Staff) of the Public Utility Commission (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the supplemented petition and as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition satisfies the requirements of TWC § 13.2541 and 16 TAC § 24.245(h). MSEC submitted an affidavit signed by Troy Morris indicating that they do not object to the petition. Accordingly, Staff recommends that the petition for streamlined expedited release be approved. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Benchmark and for Benchmark to file a certified copy of the CCN map and a boundary description of the CCN service area in the Montgomery County Clerk's office, as required under TWC § 13.257(r)-(s).

III. 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: September 20, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

/S/ John Harrison
John Harrison
State Bar No. 24097806
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)

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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 September 20, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ John Harrison
John Harrison

Public Utility Commission of Texas

Memorandum

TO: John Harrison, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: September 20, 2022

RE: Docket No. 53563 – *Petition of Benchmark Acquisitions, LLC to Amend MSEC Enterprises Inc.'s Certificate of Convenience and Necessity in Montgomery County by Streamlined Expedited Release*

On May 4, 2022, Benchmark Acquisitions, LLC (Benchmark) filed a petition for streamlined expedited release from MSEC Enterprises, Inc.'s (MSEC) water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Benchmark asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

Benchmark provided a warranty deed confirming ownership of the tract of land within MSEC's certificated service area. In addition, Benchmark submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. MSEC submitted an affidavit signed by Troy Morris indicating that they do not object to the petition.

Based on the mapping review by Hank Journeay, Infrastructure Division, it was determined the landowner's total property is approximately 389 acres. The tract of land in the petition for streamlined expedited release is approximately 4.8 acres, of which approximately 4.6 acres overlap MSEC (CCN No. 12887) and would be decertified from CCN No. 12887.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Benchmark has met the Commission's requirements to allow for the release of the tract of land from MSEC's CCN No. 12887. Therefore, I recommend approval of the petition.

Enclosed is a final map and certificate for Commission approval.



Public Utility Commission of Texas

By These Presents Be It Known To All That

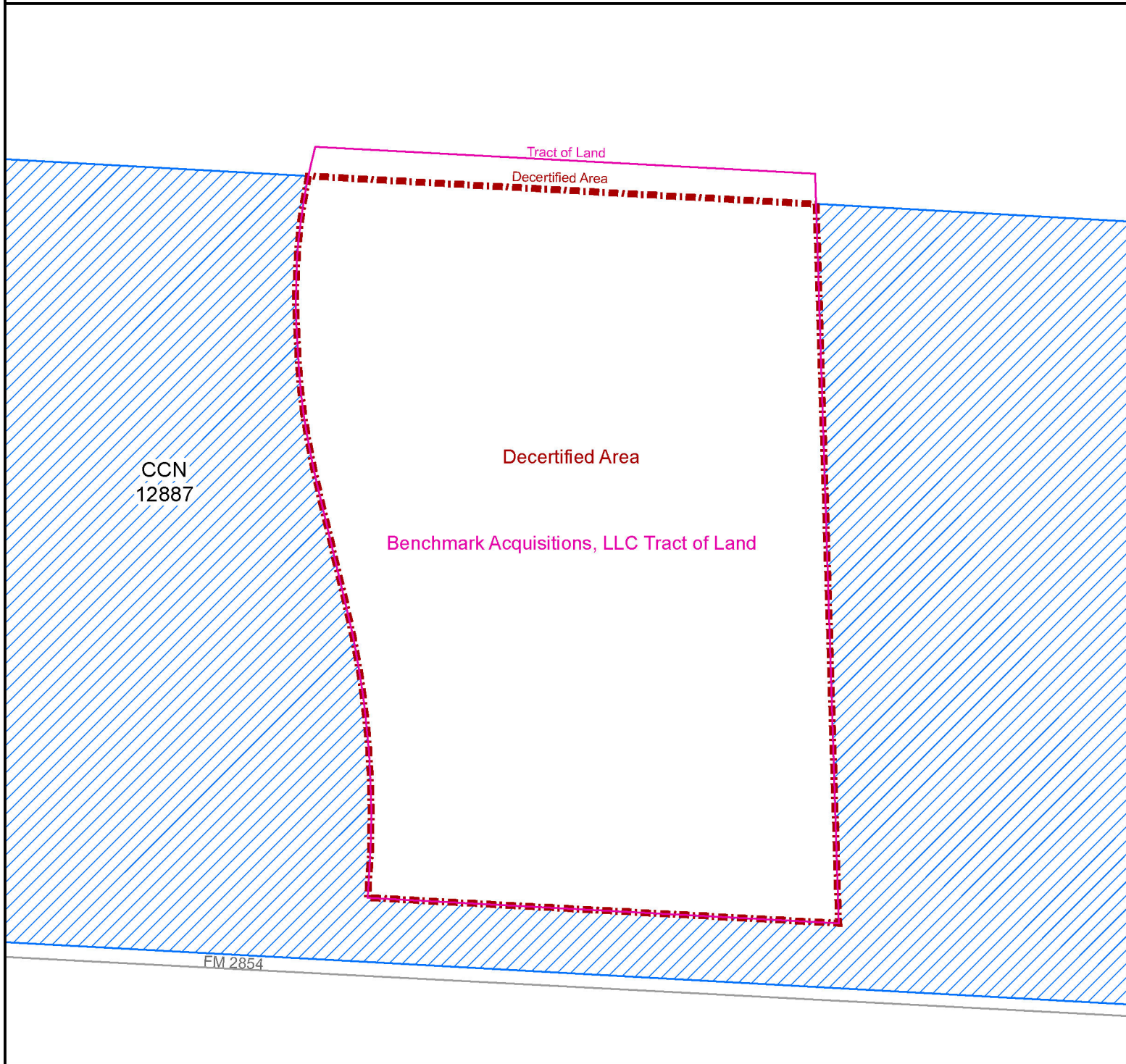
MSEC Enterprises, Inc.

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, MSEC Enterprises, Inc. is entitled to this

Certificate of Convenience and Necessity No. 12887

to provide continuous and adequate water utility service to that service area or those service areas in Grimes and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53563 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 MSEC Enterprises, 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.

MSEC Enterprises, Inc.
Portion of Water CCN No. 12887
PUC Docket No. 53563
Petition by Benchmark Acquisitions, LLC to Amend
MSEC Enterprises, Inc.'s CCN by Streamlined Expedited Release in Montgomery County



Water CCN

 12887 - MSEC Enterprises Inc

 Decertified Area

 Tract of Land

