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PUC DOCKET NO. 53698

PETITION BY ROBERT FEIGER,	§	
VICE PRESIDENT OF THE AM	§	BEFORE THE PUBLIC
BUSINESS TRUST 2021-001, A UTAH	§	
REGISTERED TRUST, FOR	§	UTILITY
STREAMLINED EXPEDITED	§	
RELEASE FROM WATER CCN	§	COMMISSION OF TEXAS
NO. 10105, CITY OF GRAND PRAIRE	§	
TEXAS		

**PETITIONER’S RESPONSE TO ORDER No. 2 IN SUPPORT OF VERIFIED
THE PETITION FOR STREAMLINED EXPEDITED RELEASE FROM WATER
CCN NO. 10105, CITY OF GRAND PRAIRE TEXAS, PURSUANT TO SECTION
13.2541, TEXAS WATER CODE, AND 16 TAC § 24.113(1)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Robert Feiger, acting in his capacity as Vice President of Am Real Estate Solutions, Inc, Trustee of the AM Business Trust 2021-001, a Utah Registered Trust (the “Trust”) and, on behalf of the Trust ("Petitioner"), and files this Response to Order No. 2 in support of the pending Verified Petition with the Public Utility Commission of Texas ("PUC" or "Commission") for Streamlined Expedited Release from Water Certificate of Convenience and Necessity ("CNN") No. 10105 pursuant to (i) Texas Water Code Section 13.2541, and (ii) Rules 24.245(h) and 24.257 of the Commission's Rules (16 TAC); and in support thereof would show the Commission as follows:

**I.
BACKGROUND FACTS**

1.1 Petitioner filed its Petition on June 8, 2022, contemporaneously mailing copies to the CCN Holder, City of Grand Prairie, Texas. *See* PUC Interchange Item No. 1.

1.2 The Administrative Law Judge (“ALJ”) issued Order No. 1 on June 9, 2022, directing, *inter alia*, that Staff of the Public Utility Commission of Texas (the “Staff”) file

recommendations on the administrative completeness of the Petition on or before July 8, 2020. *See* PUC Interchange Item No. 3.

1.3 The Staff filed its recommendation that the ALJ find the Petition to be administratively incomplete due to Staff's findings of issues with the "mapping" included in the Petition pursuant to PUC Rules 24.245 and 24.257 (16 TAC). *See* PUC Interchange Item No. 4.

1.4 The Administrative Law Judge ("ALJ") issued Order No. 2 on July 14, 2022, directing, *inter alia*, that Petitioner file mapping supportive of the Petition consistent with the recommendations of Staff on or before August 8, 2020. *See* PUC Interchange Item No. 5.

1.5 Petitioner's filing of the enclosed revised mapping information prior to August 8, 2022, is timely filed pursuant to Order No. 2.

II.
REVISED MAPPING INFORMATION PURSUANT TO STAFF's JULY 8, 2022,
MEMORANDUM AS PRESCRIBED PUC RULES 24.245(k) and 24.257
IN ACCORDANCE WITH THE ALJ's ORDER No. 2

2.1 Pursuant to ALJ Order No. 2, as recommended by Staff's July 8, 2022, Memorandum, which accompanied Staff's July 14th filing, and was cited in the Order, Petitioner in coordination with Staff has prepared, and now files in support of the Petition the following revised Mapping consistent with Commission Rules 24.245 and 24.257 (16 TAC) to address the alleged deficiencies described in Staff's Memorandum:

- (a) A true and correct copy of a revised general-location map identifying only the tract of land subject to decertification, in reference to the nearest county boundary, city, or town. *See Exhibit No. "8A"* appended hereto and incorporated herein by reference. *See generally* Rule 24.257(a)(1);
- (b) A true and correct copy of a revised detailed location map identifying only the tract of land subject to decertification in reference to verifiable man-made and natural landmarks, *e.g.*, roads, rivers and railroads. *See Exhibit No. "9A"* appended hereto and incorporated herein by reference. *See generally* Rule 24.257(a)(2)-(3); and

- (c) True and correct revised digital mapping files for the tract of land subject to decertification, presented as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters) have been uploaded separately, but contemporaneously, with the filing of this Response to Order No. 2. *See Exhibit No. "10A"* appended hereto and incorporated herein by reference. *See generally* Rule 24.257(a)(3)(C)

III. CONCLUSION & PRAYER

3.1 WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the Commission process this Petition for expedited streamlined decertification of the 317.4 acres, more or less, out of the Subject Property that is located within CCN No. 10105, declare the same to be administratively complete and, thereafter, grant the following requested relief:

- (i) Pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245(h) (16 TAC), amend the City of Grand Prairie, Texas' CCN No. 10105 to decertify and exclude the portions of the Subject Property currently located within CCN No. 10105 by processing the Petition for Streamlined Expedited Release of the 317.4 acres, more or less, of the Subject Property in Ellis County from CCN No. 10105; and, thereafter,
- (ii) Issue an appropriate Order pursuant to Section 13.2541, Texas Water Code, and Commission Rule 24.245 (16 TAC), amending CCN No. 10105 to release the affected portions of Petitioner's Subject Property containing that portion of the 317.4 acres of land, more or less, located within CCN No. 10105 in Ellis County, Texas.

Respectfully submitted,

MCCARTHY & MCCARTHY, LLP
1122 Colorado St., Suite 2399
Austin, Texas 78701

By: /s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.
State Bar No. 13367200
(512) 904-2313 (Tel)
(512) 692-2826 (Fax)
ed@ermlawfirm.com

**ATTORNEYS FOR PETITIONER, AM BUSINESS
TRUST 2021-001, a Utah Registered Trust,
acting by and through its Trustee, AM Real
Estate Solutions, Inc.**

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 4th day of August, 2022, a true and correct copy of the foregoing Response to Order No. 2 in support of the pending Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 10105 was:

- (i) electronically e-filed with the Commission pursuant to Rule 22.74 and the Commission's Order in Docket No. 50664 addressing Covid-19 Pandemic conditions; and
- (ii) sent via postage prepaid United States Mail to representatives of the Holder of CCN No. 10105, the City of Grand Prairie, and the alternate retail water utility Aqua Texas, Inc.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

SERVICE LIST

Robert Feiger, Vice President
AM BUSINESS TRUST 2021-001
1740 Dell Range Blvd., Suite 281
Cheyenne, Wyoming 82009

Representing Petitioner - AM BUSINESS TRUST 2021-001, a Utah Registered Trust

Legal Division
Attn: Ian Groetsch
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711
Tel.: (512) 936-7465
Fax: (512) 936-7268
E-mail: ian.groetsch@puc.texas.gov

Representing Public Utility Commission of Texas – Legal Division

City of Grand Prairie
Attn: Steve Dye, City Manager
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Ron McCuller,
Public Works Director
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Honorable Ron Jensen, Mayor
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

City of Grand Prairie
Attn: Megan Mahan, City Attorney
P.O. Box 534045
Grand Prairie, Texas 75053

Representing City of Grand Prairie for purposes of Commission Rule 24.245(f)(7) (16 TAC)

Aqua Texas, Inc.
Attn: Darryl Waldock, Manager-North Region
9450 Silver Creek Road
Fort Worth, Texas 76108
Tel.: (817) 367-1401
E-mail: DGWaldock@aquaamerica.com

Representing Aqua Texas, Inc., Petitioner's Alternate Retail Water Utility for purposes of Commission Rule 24.245(f)(7) (16 TAC).

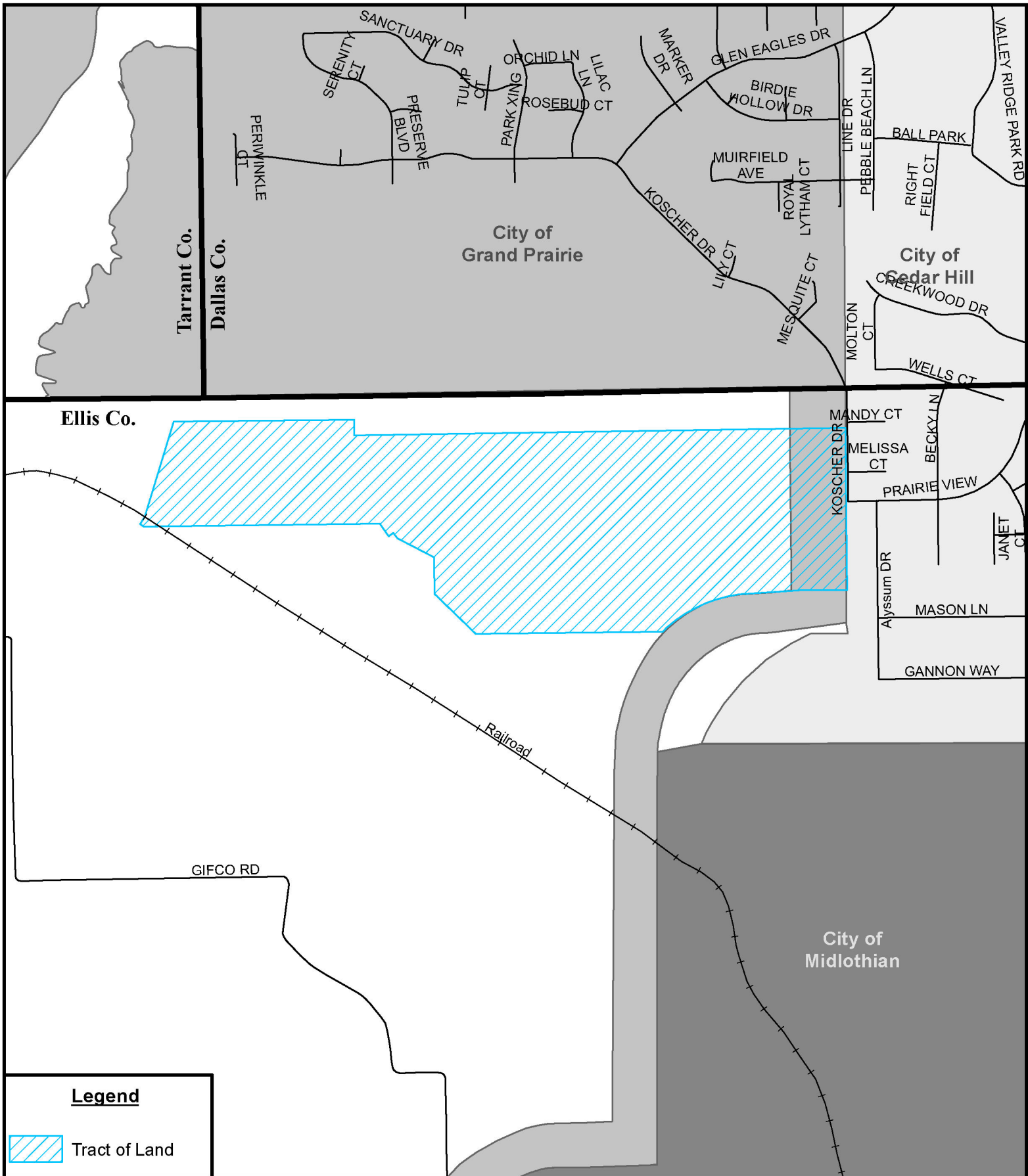
Central Records Division
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711

**EXHIBITS TO PETITIONER's RESPONSE TO ORDER
No. 2 IN SUPPORT OF THE PENDING PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM CERTIFICATE
OF CONVENIENCE AND NECESSITY NO. 10105**

<u>Exhibit No.</u>	<u>Description</u>
8A	Revised General Location Map of 317.4 Acre Area within CCN 10105 out of the Subject Property sought to be decertified
9A	Revised Detailed Location Map of 317.4 Acre Area within CCN 10105 of Subject Property sought to be decertified
10A	Proxy for Digital Mapping Uploaded On the PUC Website regarding Area within CCN 10105 of Subject Property sought to be decertified

Exhibit No. “8A”

Revised General Location Map of 317.4 Acre Area
within CCN 10105 of Subject Property



General Location Map: Tract of Land to Decertify from City of Grand Prairie, CCN No. 10105

**Decertification of
City of Grand Prairie
CCN 10105**

Ellis County, Texas

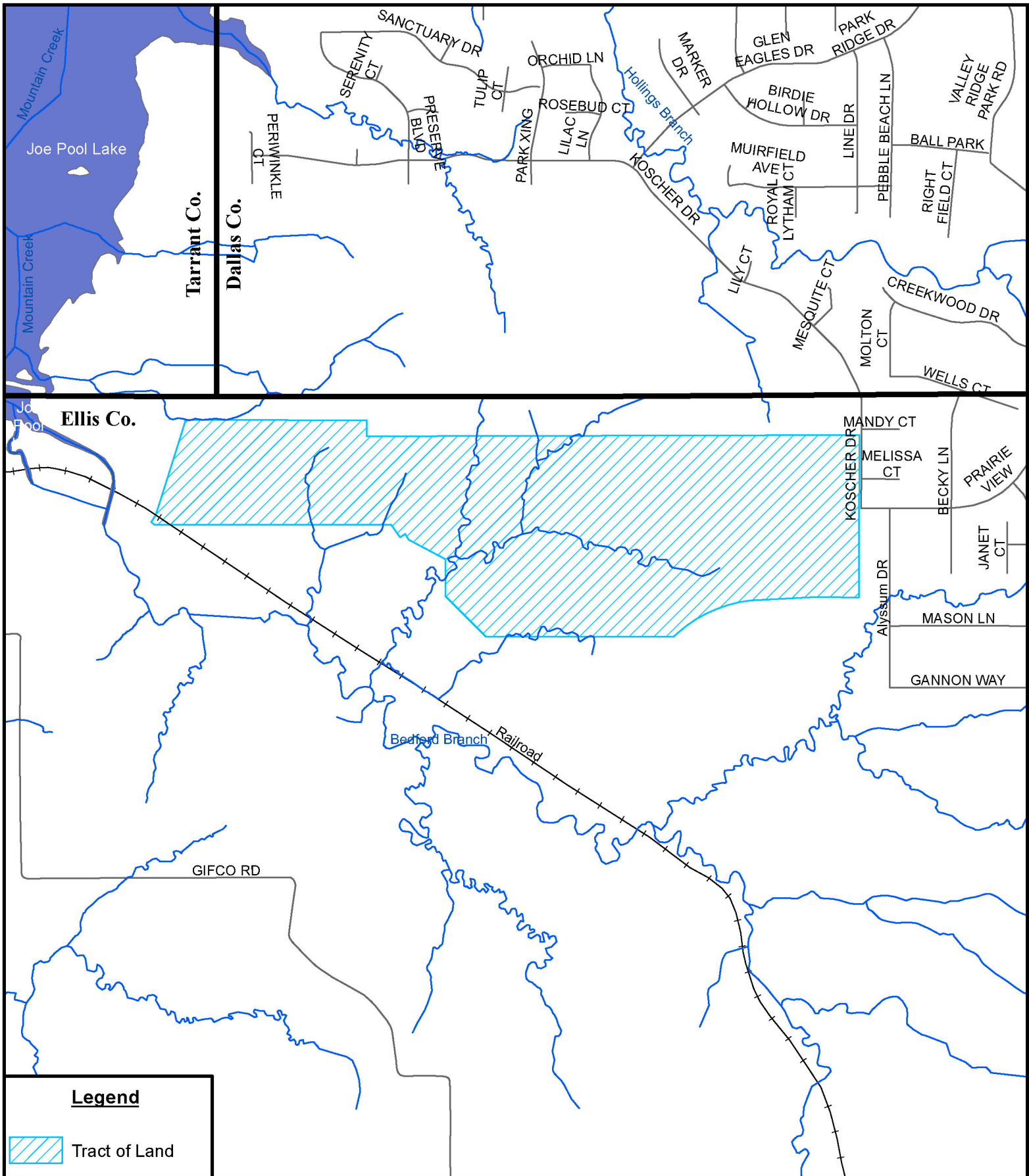


Wet Rock Groundwater Services, L.L.C.
Groundwater Specialists
TBPG Firm No: 50038
317 Ranch Road 620 South, Ste. 303
Austin, Texas 78734 Ph: 512.773.3226
www.wetrockgs.com

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Exhibit No. “9A”

Revised Detailed Location Map of 317.4 Acre Area
within CCN 10105 of Subject



Detailed Map: Tract of Land to Decertify from City of Grand Prairie, CCN No. 10105

**Decertification of
City of Grand Prairie
CCN 10105**

Ellis County, Texas



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Groundwater Specialists

TBPG Firm No: 50038
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Austin, Texas 78734 Ph: 512.773.3226
www.wetrockgs.com

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Exhibit No. “10A”

Proxy for Digital Mapping Uploaded On the PUC Website

The following files are not convertible:

GP_Decertified_SPNC.cpg
GP_Decertified_SPNC.dbf
GP_Decertified_SPNC.prj
GP_Decertified_SPNC.sbn
GP_Decertified_SPNC.sbx
GP_Decertified_SPNC.shp

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.

The following files are not convertible:

GP_Decertified_SPNC.shp.xml

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.

The following files are not convertible:

GP_Decertified_SPNC.shx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.