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DOCKET NO. 53932

PETITION OF KL LHB DSD AIV, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO.	§	OF TEXAS
12’S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
KAUFMAN COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

**COMMISSION STAFF’S FIRST AMENDED RECOMMENDATION
ON FINAL DISPOSITION**

On August 4, 2022, KL LHB DSD AIV LLC (KL LHB) filed a petition for streamlined expedited release from Kaufman County Municipal Utility District’s No. 12’s (KCMUD No. 12) water Certificate of Convenience and Necessity (CCN) number 13087 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KL LHB asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county. KL LHB filed supplemental information on October 3, 2022.

On November 9, 2022, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition by December 20, 2022. Staff timely filed a recommendation on final disposition on December 20, 2022.

Staff now files this First Amended Recommendation on Final Disposition due to an error in the original filing’s attached water CCN certificate filed on December 20, 2022. In the original December 20, 2022, recommendation, the attached CCN certificate to be provided to KCMUD No. 12, was an incorrect draft of the document. Staff apologizes for the error and attaches the completed certificate to be provided to KCMUD No. 12.

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition and, as detailed in the attached memorandum, dated December 20, 2022, from Chase Lipscomb, Infrastructure Division, recommends that the petition be approved. Specifically, Staff recommends that the petition submitted by KL LHB satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Further, the final water

CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to KCMUD No. 12 and for KCMUD No. 12 to file a certified copy of the CCN map and a boundary description of the CCN service area in the Kaufman 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: January 6, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Andy Aus
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DOCKET NO. 53932

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 January 6, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: December 20, 2022

RE: Docket No. 53932 – *Petition of KI LHB DSD AIV, LLC to Amend Kaufman County Municipal Utility District No. 12’s Certificate of Convenience and Necessity in Kaufman County by Streamlined Expedited Release*

On August 4, 2022, KI LHB DSD AIV, LLC (KL LHB) filed a petition for streamlined expedited release from Kaufman County Municipal Utility District No. 12’s (KCMUD No.12) water Certificate of Convenience and Necessity (CCN) No. 13087 in Kaufman County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KL LHB asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

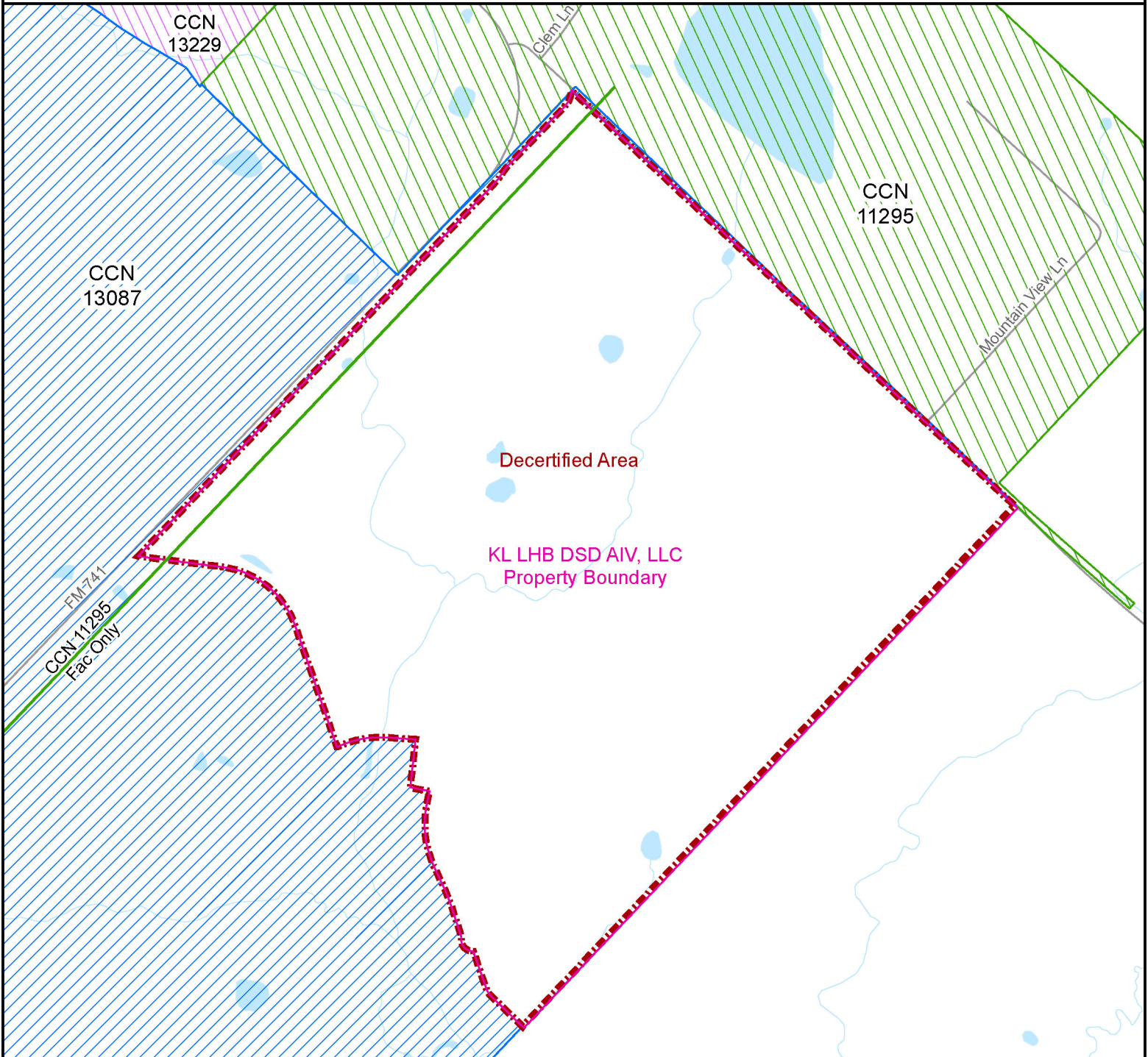
KL LHB provided a warranty deed confirming ownership of the tract of land within KCMUD No.12’s certificated service area. In addition, KL LHB submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. KCMUD No.12 did not request to intervene.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined that the landowner’s total property is approximately 309 acres. The tract of land in the petition for streamlined expedited release is approximately 276 acres, of which approximately 274 acres overlap KCMUD No. 12 (CCN No. 13087) and would be decertified from CCN No. 13087.




In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), KL LHB has met the Commission’s requirements to allow for the release of the tract of land from KDMUD NO.12’s CCN No. 13087. 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.

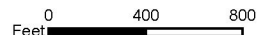
Kaufman County Municipal District No. 12
 Portion of Water CCN No. 13087
 PUC Docket No. 53932
 Petition by KL LHB DSD AIV, LLC to Amend
 Kaufman County Municipal District No. 12's CCN by Streamlined Expedited Release in Kaufman County




Water CCN

-  13087 - Kaufman Co MUD 12
-  11295 - City of Crandall
-  13229 - Kaufman Co MUD 14

-  Decertified Area
-  Tract of Land



Water CCN Facility Only

-  11295 - City of Crandall





Public Utility Commission of Texas

By These Presents Be It Known To All That

Kaufman County Municipal Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it is having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Kaufman County MUD is entitled to this

Certificate of Convenience and Necessity No. 13087

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53932 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 Kaufman County MUD 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.