



Filing Receipt

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DOCKET NO. 54049

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|---------------------------------------|----------|----------------------------------|
| PETITION OF KAUFMAN | § | PUBLIC UTILITY COMMISSION |
| INDEPENDENT SCHOOL DISTRICT TO | § | |
| AMEND COLLEGE MOUND WATER | § | OF TEXAS |
| SUPPLY CORPORATION'S | § | |
| CERTIFICATE OF CONVENIENCE | § | |
| AND NECESSITY IN KAUFMAN | § | |
| COUNTY BY STREAMLINED | § | |
| EXPEDITED RELEASE | | |

ORDER NO. 4
GRANTING STREAMLINED EXPEDITED RELEASE

This Order addresses the petition of Kaufman Independent School District for streamlined expedited release of a tract of land in Kaufman County from College Mound Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 10825. For the reasons stated in this Order, the Commission releases the tract of land from College Mound WSC's certificated service area. In addition, the Commission amends College Mound WSC's CCN number 10825 to reflect removal of the tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to College Mound WSC, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Kaufman ISD is a school district in Kaufman County.

CCN Holder

2. College Mound WSC¹ is a special utility district operating under chapter 65 of the Texas Water Code (TWC).
3. College Mound WSC holds CCN number 10825 that obligates it to provide retail water service in its certificated service area in Kaufman County.

¹ On November 19, 2013, College Mound WSC changed its name to College Mount Special Utility District with the Texas Commission on Environmental Quality. However, the certificate reflects the name College Mound WSC. Therefore, the name College Mound WSC will be used in this Order.

Petition

4. On September 8, 2022, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 10825.
5. The petition includes a warranty deed dated July 25, 2017, which included a metes-and-bounds description; maps; proof of notice to the CCN holder; an affidavit, dated August 31, 2022, of Loraine Blaylock, superintendent of the petitioner; and digital mapping data.
6. In Order No. 2 filed on October 6, 2022, the administrative law judge (ALJ) found the petition administratively complete.

Notice

7. The petitioner sent a copy of the petition to the CCN holder via certified mail, return receipt requested, on September 8, 2022.
8. In Order No. 2 filed on October 6, 2022, the ALJ found the notice sufficient.

Response to the Petition

9. The CCN holder did not file a response to the petition.

The Tract of Land

10. The petitioner owns property in Kaufman County that is approximately 85.2 acres.
11. The tract of land for which the petitioner seeks streamlined expedited release is a portion of the petitioner's property that is approximately 26.2 acres.
12. The tract of land is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

13. The petitioner acquired the tract of land by a general warranty deed dated July 25, 2017.

Qualifying County

14. Kaufman County is adjacent to Dallas County and has a population of more than 47,500.
15. Dallas County has a population of at least one million.

Water Service to the Tract of Land

16. The tract of land is not receiving actual water service from the CCN holder.
17. The petitioner has not received any bills from the CCN holder for water service to the tract of land.

18. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
19. The CCN holder has no facilities or lines that provide water service to the tract of land.
20. The CCN holder has not performed any acts for or supplied anything to the tract of land.

Map and Certificate

21. On November 16, 2022, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land in relation to the CCN holder's certificated service area.
22. On December 1, 2022, Commission Staff filed its corrected recommendation on final disposition that included a corrected certificate.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition for streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h)(7) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition that must be verified by a notarized affidavit.
6. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.

7. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving water service under TWC § 13.2541(b). Whether a tract of land might have previously received water service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its property.
10. The petitioner owns the tract of land that is at least 25 acres for which it seeks streamlined expedited release.
11. Kaufman County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
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.3d 130 (Tex. App.—Austin 2014, pet. denied).
13. The petitioner is entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder's certificated service area.
14. Under TWC §§ 13.254(h) and 13.2541(a), after the date of this Order the CCN holder has no obligation to provide retail water service to the petitioner's tract of land.
15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertify any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
16. The Commission processed the petition in accordance with the TWC and Commission rules.
17. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Waller County no later than the 31st day after the date the CCN holder receives this Order.

18. A retail public utility may not, under TWC §§ 13.254(d) and 13.2541(a), provide retail water service to the public within the released portion of the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the tract of land identified in the petition from the CCN holder's certificated service area under CCN number 10825.
2. The Commission does not decerticate any of the CCN holder's equipment or facilities that may lay on or under the released portion of the tract of land.
3. The Commission amends CCN number 10825 in accordance with this Order.
4. The Commission approves 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 on the date of this Order in accordance with the schedule adopted in Order No. 2. Any decision on compensation will be made by a separate order.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

Signed at Austin, Texas the 5th day of December 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

College Mound Water Supply Corporation

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, College Mound Water Supply Corporation is entitled to this

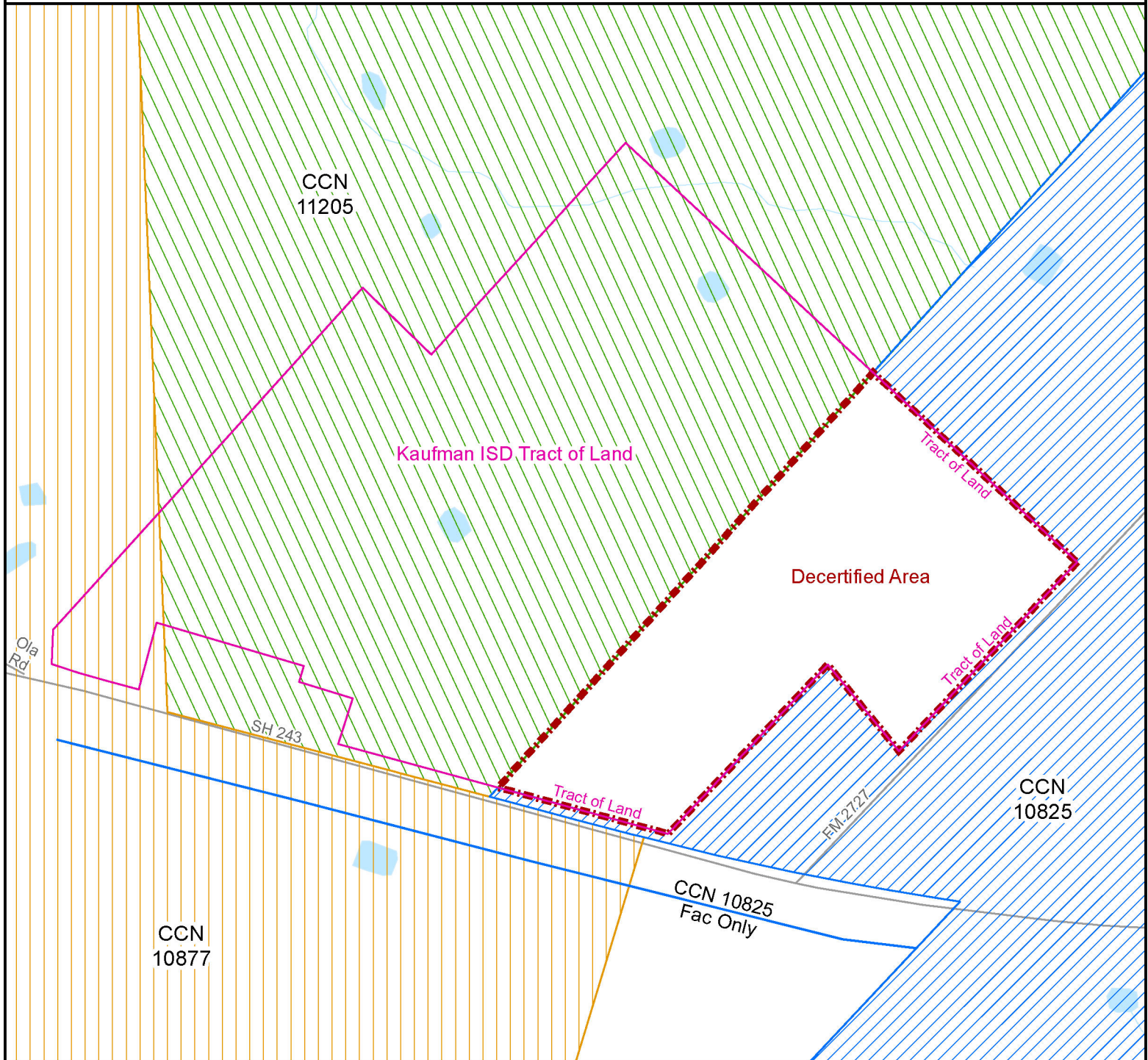
Certificate of Convenience and Necessity No. 10825

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. 54049 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 College Mound Water Supply Corporation 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.

College Mound Water Supply Corporation
Portion of Water CCN No. 10825
PUC Docket No. 54049


Petition by Kaufman ISD to Amend



College Mound Water Supply Corporation's CCN by Streamlined Expedited Release in Kaufman County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  10825 - College Mound WSC
-  11205 - North Kaufman WSC
-  10877 - City of Kaufman

-  Decertified Area
-  Tract of Land

0 225 450
Feet



Water CCN Facility Only

-  10825 - College Mound WSC

Map by: Komal Patel
Date: November 7, 2022
Project: 54049CollegeMound.mxd