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Item Number - 23

DOCKET NO. 56688

PETITION OF SOLANA	§	PUBLIC UTILITY COMMISSION
DEVELOPMENT, LP TO AMEND	§	
JARRELL-SCHWERTNER WATER	§	OF TEXAS
SUPPLY CORPORATION'S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN BELL AND	§	
WILLIAMSON COUNTIES	§	

ORDER

This Order addresses the petition filed by Solana Development, LP to decertify a portion of Jarrell-Schwertner Water Supply Corporation's certificated service area under certificate of convenience and necessity (CCN) number 10002 in Bell and Williamson Counties under Texas Water Code (TWC) § 13.254(a). The Commission amends Jarrell-Schwertner WSC's CCN number 10002 to decertify the requested areas to the extent provided in this Order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner and Interested Party

1. Solana Development is a Delaware limited partnership registered with the Texas secretary of state under filing number 805289717.
2. Solana Development owns two tracts of land totaling 703.4 acres within the certificated service area of Jarrell-Schwertner WSC's CCN number 10002.
3. Jarrell-Schwertner WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 26719301.
4. Jarrell-Schwertner WSC operates, maintains, and controls facilities for providing potable water service for compensation in Bell and Williamson Counties under CCN number 10002.

Petition

5. On May 31, 2024, Solana Development filed the petition at issue in this proceeding, in which it seeks to decertify a portion of Jarrell-Schwertner WSC's certificated service area under CCN number 10002.
6. On July 30, September 14, and November 19, 2024, Solana Development filed supplemental information.
7. The requested areas to be decertified are composed of Solana Development's two tracts of land totaling 703.4 acres.
8. The requested areas include no customer connections.
9. In Order No. 5 filed on January 3, 2025, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

Notice

10. On May 31, 2024, Solana Development filed a statement certifying that notice of the petition was given to Jarrell-Schwertner WSC.
11. In Order No. 5 filed on January 3, 2025, the ALJ found the notice sufficient.

Evidentiary Record

12. In Order No. 6 filed on April 8, 2025, the ALJ admitted the following evidence into the record for this proceeding:
 - a. Solana Development's petition and all attachments filed on May 31, 2024;
 - b. Solana Development's supplemental information filed on July 30, 2024;
 - c. Solana Development's supplemental information filed on September 14, 2024;
 - d. Solana Development's supplemental information filed on November 19, 2024;
 - e. Commission Staff's supplemental recommendation on administrative completeness and notice and proposed procedural schedule filed on December 20, 2024;
 - f. Solana Development's consent form filed on February 13, 2025;
 - g. Jarrell-Schwertner WSC's consent form filed on February 28, 2025;

- h. Commission Staff's final recommendation filed on February 28, 2025; and
- i. the map and certificate attached to the joint motion to admit evidence and proposed notice of approval filed on March 18, 2025.

Response of Jarrell-Schwertner WSC

- 13. On May 31, 2024, Solana Development filed proof that Jarrell-Schwertner WSC's board of directors consented to the decertification of the service areas from water CCN number 10002 during its meeting on April 16, 2024.
- 14. On November 19, 2024, Solana Development filed the affidavit of Joe Simmons, general manager of Jarrell-Schwertner WSC, consenting to the petition and removal of the service areas from water CCN number 10002.

Qualification for Decertification

- 15. Jarrell-Schwertner WSC does not provide and has never provided retail water service to any customers in the requested areas.
- 16. Jarrell-Schwertner WSC consented in writing to decertification of the requested areas.

Compensation from a Prospective Retail Public Utility

- 17. Jarrell-Schwertner WSC did not initiate this petition or file a written request for decertification.

Map and Certificate

- 18. On January 31, 2025, Commission Staff emailed the proposed final map and certificate to Solana Development and Jarrell-Schwertner WSC.
- 19. On February 13, 2025, Solana Development filed its consent to the proposed final map and certificate.
- 20. On February 28, 2025, Solana Development filed Jarrell-Schwertner WSC's consent to the proposed map and certificate.
- 21. The final map and certificate were included as attachments to the joint motion to admit evidence and proposed notice of approval filed on March 18, 2025.

Informal Disposition

- 22. More than 15 days have passed since the completion of notice provided in this docket.

23. No person filed a protest or motion to intervene.
24. Commission Staff and Solana Development are the only parties to this proceeding.
25. No party requested a hearing, and no hearing is needed.
26. Commission Staff recommended approval of the application.
27. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition under TWC §§ 13.041 and 13.254.
2. Jarrell-Schwertner WSC is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Solana Development's petition meets the requirements of TWC § 13.254(a) and 16 TAC § 24.245(d)(1).
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act¹, the TWC, and Commission rules.
5. Landowners may file petitions for decertification under TWC § 13.254(a)(1).
6. As required by TWC § 13.254(a)(1) and 16 TAC § 24.245(d)(1)(A), Solana Development demonstrated that Jarrell-Schwertner WSC has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the requested areas.
7. Jarrell-Schwertner WSC consented to decertification of the requested areas in writing, as required by TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E) and (d)(2).
8. Under TWC 13.254(b), after the date of this Order, Jarrell-Schwertner WSC has no obligation to provide water service to the requested areas.
9. Under TWC § 13.254(d), a retail public utility may not in any way render retail water or sewer service directly or indirectly to the public in an area that has been decertified under

¹ Tex. Gov't Code §§ 2001.001–.903.

TWC § 13.254 unless just and adequate compensation required by TWC § 13.254(g) has been paid to the decertified retail public utility.

10. Under TWC § 13.257(r) and (s), Jarrell-Schwertner WSC must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Williamson and Bell Counties within 31 days of this Order and submit evidence of the recording to the Commission.
11. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

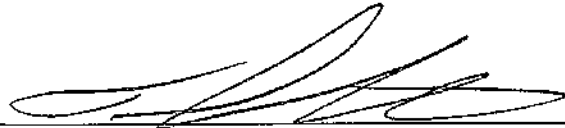
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission decertifies the 703.4 acres in the two tracts of land identified in the petition from Jarrell-Schwertner WSC's certificated service area under CCN number 10002.
2. The Commission amends Jarrell-Schwertner WSC's certificated service area under CCN number 10002, as shown on the attached map.
3. The Commission approves the map attached to this Order.
4. The Commission issues the certificate attached to this Order.
5. Jarrell-Schwertner WSC must provide service within the area remaining under CCN number 10002 after this decertification of the requested areas to every customer and applicant for service who requests water service and meets the terms of Jarrell-Schwertner WSC's water service policies, and such service must be continuous and adequate.
6. Jarrell-Schwertner WSC must comply with the recording requirements of TWC § 13.257(r) and (s) for the areas in Williamson and Bell Counties affected by the application and file in this docket proof of the recording no later than 45 days after the date of this Order.
7. This Order does not address what compensation, if any, might be due if another retail public utility seeks to render retail water service to the public in the decertified area.

8. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 5th day of June 2025.

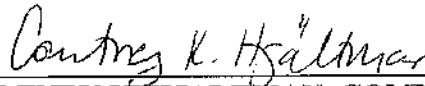
PUBLIC UTILITY COMMISSION OF TEXAS



THOMAS J. GLEESON, CHAIRMAN



KATHLEEN JACKSON, COMMISSIONER



COURTNEY K. HJALTMAN, COMMISSIONER



Public Utility Commission of Texas

By These Presents Be It Known To All That

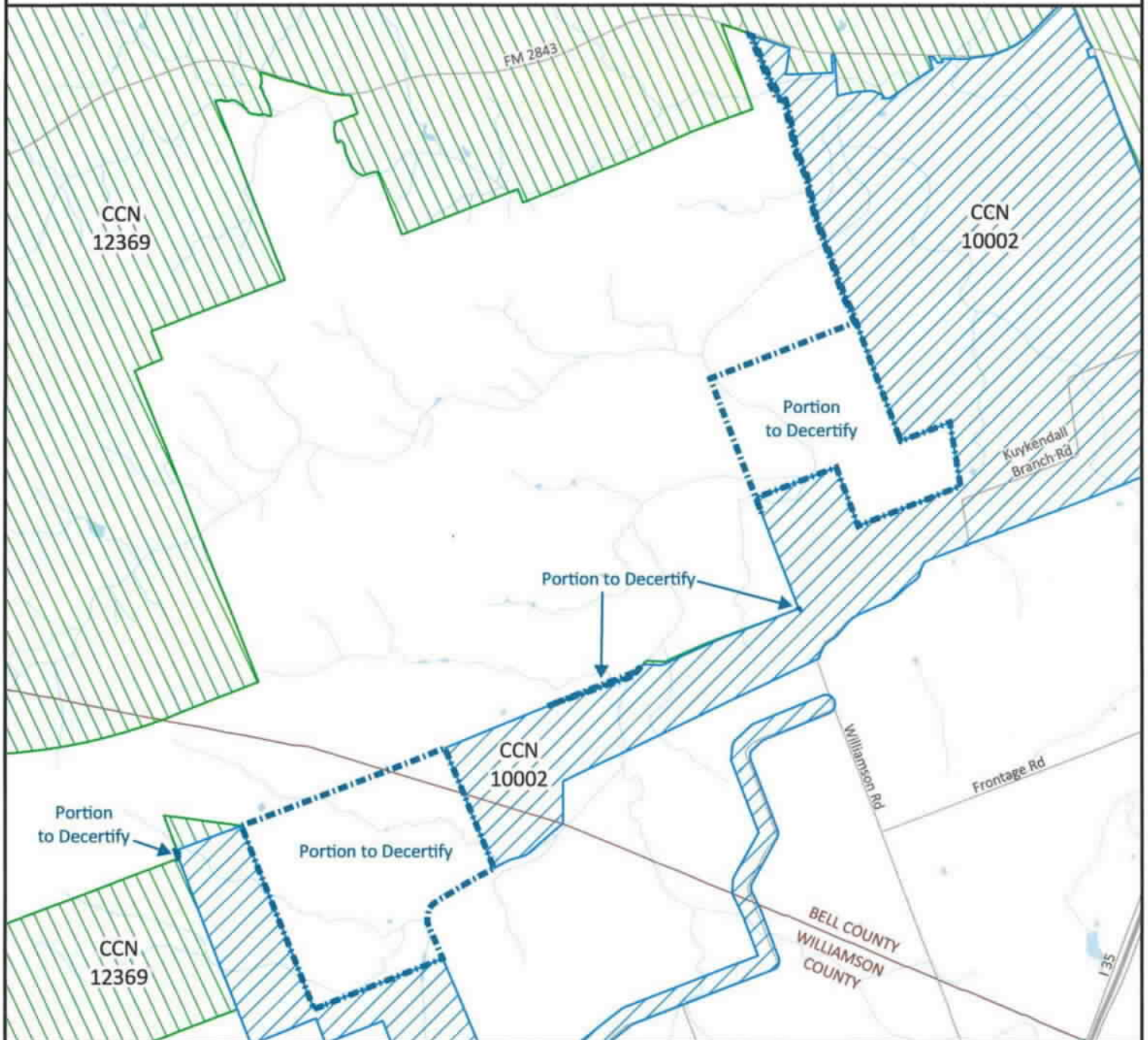
Jarrell-Schwertner Water Supply Corporation

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, Jarrell-Schwertner Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10002



to provide continuous and adequate water utility service to that service area or those service areas in Bell and Williamson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 56688 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 Jarrell-Schwertner 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.


PUCT Docket No. 56688
Jarrell-Schwertner WSC
Portion of Water CCN No. 10002
13.254(a) Petition by Solana Development, LP to
Decertify a Portion of Jarrell-Schwertner WSC's CCN in Bell and Williamson Counties



ft 0 1,500 3,000

Water CCN

-  10002 - Jarrell-Schwertner
-  12369 - City of Georgetown

 Portion to Decertify

Mapping Section
Infrastructure Division
Date: January 16, 2025
Project: 56688.aprx



