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Filed Date - 2025-05-13 04:03:42 PM

Control Number - 57615

Item Number - 9

PUC DOCKET NO. 57615

PETITION OF VINEYARD HILL	§	PUBLIC UTILITY
ESTATES LLC TO AMEND	§	
THE CITY OF MCKINNEY’S WATER	§	
SUPPLY CORPORATION’S	§	COMMISSION OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN COLLIN COUNTY	§	
BY STREAMLINED EXPEDITED RELEASE	§	
	§	

**FIRST AMENDED PETITION
OF VINEYARD HILL ESTATES LLC
TO AMEND
THE CITY OF MCKINNEY’S CERTIFICATE OF CONVENIENCE AND NECESSITY
IN COLLIN COUNTY
BY STREAMLINED EXPEDITED RELEASE**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Vineyard Hill Estates LLC (“Vineyard” or “Petitioner”), and files with the Public Utility Commission (“Commission”) this First Amended Petition to Amend The City of McKinney’s (“McKinney’s”) Water Certificate of Convenience and Necessity (“CCN”) No. 10194 in Collin County by Streamlined Expedited Release (“Petition”) pursuant to Texas Water Code (“TWC”) §13.2541 and 16 TAC §24.245(h). In support, Petitioner would respectfully show the following:

I. PETITION

1. On January 29, 2025, Applicant filed an Original Petition in the docket. PUC Staff pointed out that the Original Petition mistakenly referred to Applicant as “Vineyard Hills” instead of “Vineyard Hill.” The purpose of this First Amended Petition is to correct that mistake. Applicant is, in fact, Vineyard Hill Estates LLC.
2. This First Amended Petition adopts and incorporates by reference the filings made by Applicant in this docket on January 29, 2025 (PUC Docket No. 1) and March 27, 2025 (PUC Docket No. 6), with the exception that wherever those documents referred to

“Vineyard Hills” they should have instead referred to “Vineyard Hill.” This incorporation by reference specifically includes, but is not limited to, the revised maps and digital mapping data filed with PUC Item 6 on March 27, 2025.

3. The Affidavits that were filed by Applicant in this docket on January 29, 2025 (PUC Docket No. 1) and March 27, 2025 (PUC Docket No. 6), are hereby corrected by the Affidavit attached to this First Amended Petition as Exhibit 1.
4. TWC §13.2541 and 16 TAC §24.245(h), in specific circumstances, provide the owner of a tract of land the right to petition the Commission for the release all or a portion of its property from a certificated holder’s CCN. This has come to be known as a streamlined, expedited release. The statute and the rule require the Commission to release the property from a CCN under the following conditions:
 - a) The tract of land requested to be released is 25 acres or greater;
 - b) The tract of land requested to be released is not receiving the type of service that the CCN holder is authorized to provide;
 - c) At least part of the tract of land seeking release is within the service area of the subject CCN; and
 - d) At least part of the tract of land seeking is located in a “qualifying” County as defined by TWC §13.2541(b).

All of these conditions are satisfied in this case.

5. Here, Petitioner owns two contiguous tracts of land consisting of approximately 60.62 acres for Tract 1 and 5.00 acres for Tract 2 (totaling approximately 65.62 acres in Collin County Texas, as more fully described by Deed No. 20211006002042910 and Deed No. 2023000022451 (the “Property”). The deeds that more particularly describes the Property (Deed No. 20211006002042910 and Deed No. 2023000022451) are attached to PUC Item No. 1 in this docket as Exhibit A to the Affidavit attached as Exhibit 1 (which is hereby incorporated by reference).

6. Based on the factors set out above, Petitioner qualifies for the streamlined expedited release of approximately 65.62 acres from The City of McKinney's Water CCN No. 10194 in Collin County. This 65.62 acres is wholly contained within the service area of The City of McKinney's Water CCN No. 10194.
7. The full portion of the contiguous tracts that consist of the 65.62 acres is described in the metes and bounds description of the deeds found at Exhibit A of Exhibit 1 of PUC Item No. 1 in this docket.
8. Attached as Exhibit A to Exhibit 1 of PUC Item No. 6 in this docket are large and small-scale maps showing the Property that is sought to be removed. Digital data, in the form of shape files, which depict the Property to be removed and shows that the Property is within The City of McKinney's CCN No. 10194 in Collin County Texas, were submitted electronically with PUC Item No. 6 in this docket, and such shape files are hereby incorporated herein by reference.
9. There is no retail water or sewer service from The City of McKinney to the Property.
10. The Property is entirely within Collin County, which is included in the Commission's streamlined expedited release "Approved Counties" list and meets the requirements of both TWC §13.2541 and 16 TAC §24.245(h).
11. Simultaneously with the filing of this First Amended Petition, Petitioner is notifying The City of McKinney of this action by certified mail, return receipt requested. The undersigned hereby certifies that a copy of this Petition to The City of McKinney has been mailed on even date herewith.
12. The Affidavits included with PUC Item No. 1 , No. 6, and attached hereto as Exhibit 1 are from an authorized representative of the Petitioner which verifies and affirms the information contained in this First Amended Petition.

II. CONCLUSION AND PRAYER

Petitioner requests the following: (a) the Petition be deemed properly filed with the Commission; (b) the Petition be granted in all respects pursuant to TWC §13.2541 and 16 TAC §24.245(h); (c) the Commission enter an order releasing approximately 60.634 acres of land from The City of McKinney's Water CCN No. 10194 in Collin County Texas; and (d) all other orders, acts, procedures and relief be granted as necessary and proper to the release of approximately 60.634 acres of land from The City of McKinney's Water CCN No. 10194 in Collin County Texas.

Respectfully submitted,

/s/ David Tuckfield

THE AL LAW GROUP, PLLC

David J. Tuckfield

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Petition was served on Rose Hill Special Utility District on this the 13th day of May 2025, by Certified Mail Return Receipt Requested and by email:

The City of McKinney
PO Box 517
McKinney TX 75070

I also certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on May 13, 2025 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ David Tuckfield
David J. Tuckfield

EXHIBIT 1

SECOND SUPPLEMENTAL AFFIDAVIT OF JERRY OU

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

§

§

BEFORE ME, the undersigned authority, personally appeared Jerry Ou, who, being by me duly sworn, deposed as follows:

“My name is Jerry Ou, I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

1. I am Manager of J Built Custom Construction LLC, which is the Manager of Vineyard Hill Estates LLC, a Texas limited liability company. I have authority to sign on behalf of Vineyard Hill Estates LLC. I am signing this affidavit on behalf of Vineyard Hill Estates LLC, in support of the request for decertification that is the subject of Texas PUC Docket No. 57615.
2. The Affidavit that I executed on January 24, 2025 and that was filed as Exhibit 1 to Item No. 1 in Texas PUC Docket No. 57615 (the “January 29, 2025 Affidavit”) and the First Supplemental Affidavit that I executed on March 26, 2025 and that was filed on March 27, 2025 as Exhibit 1 to Item No. 6 in Texas PUC Docket No. 57615 (the “March 26, 2025 Affidavit”) both contained errors in the fact that they both referenced “Vineyard Hills Estates LLC” instead of “Vineyard Hill Estates LLC.”
3. Wherever the January 29, 2025 Affidavit and the March 26, 2025 Affidavit use the words “Vineyard Hills” those words should be replaced with “Vineyard Hill.”

FURTHER AFFIANT SAYETH NOT.

[REMAINDER OF PAGE BLANK – SIGNATURE PAGE FOLLOWS]

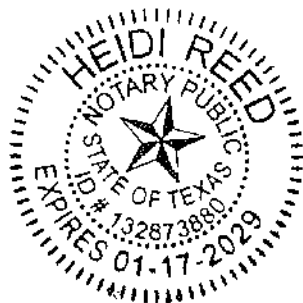
Vineyard Hill Estates LLC
a Texas limited liability company

By: J Built Custom Construction LLC
a Texas limited liability company
Its Manager

By: _____
Name: Jerry Ou
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Jerry Ou, Manager of J Built Custom Construction LLC, a Texas limited liability company, Manager of Vineyard Hill Estates LLC, on behalf of Vineyard Hill Estates LLC on this 5th day of May 2025, to certify which witness my hand and official seal.



Notary Public, State of Texas