

Streamlined Expedited Release Guidance

Petition Process for Streamlined Expedited Release (SER) Under Texas Water Code (TWC) § 13.2541* and 16 Tex. Admin. Code (TAC) § 24.245(h)*.

*Relevant sections of the Texas Water Code and Texas Administrative Code can be found online at: <http://www.puc.texas.gov/agency/rulesnlaws/Default.aspx>

Eligibility

Q. Who may apply for a Streamlined Expedited Release?

A. A landowner may file a petition for streamlined expedited release of the subject property (tract of land) from an existing certificate of convenience and necessity (CCN) if:

- (1) the subject property is owned by the same property owner, whether through one corresponding deed or multiple deeds;
- (2) the subject property is composed of contiguous tracts;
- (3) the deed or deeds total at least 25 acres (note: not all subject property needs to be within the CCN but the total acreage must be at least 25 acres);
- (4) the subject property is not receiving water or sewer service; and
- (5) the subject property is located in Atascosa, Bandera, Bastrop, Bexar, Blanco, Brazoria, Burnet, Caldwell, Chambers, Collin, Comal, Dallas, Denton, Ellis, Fort Bend, Galveston, Guadalupe, Harris, Hays, Johnson, Kaufman, Kendall, Liberty, Montgomery, Parker, Rockwall, Smith, Tarrant, Travis, Waller, Williamson, Wilson, or Wise County.

General Requirements

Q. What must the SER petition include?

A. The SER petition must include:

- (1) a written request referencing TWC § 13.2541 and 16 TAC § 24.245(h) and certain demonstrations;
- (2) the deed(s) of the subject property; and
- (3) mapping documents.

Each of these three requirements is further explained below.

Written Request

Q. What must the written request include?

A. The written request must include:

- (1) a statement that identifies the landowner who owns the subject property;
- (2) a statement that the subject property is at least 25 acres (note: not all subject property needs to be within the CCN but the total acreage must be at least 25 acres);
- (3) a statement for a subject property with multiple deeds that each tract is contiguous for the entire subject property;
- (4) deeds for each contiguous tract of the entire subject property;
- (5) a statement that the subject property is located in Atascosa, Bandera, Bastrop, Bexar, Blanco, Brazoria, Burnet, Caldwell, Chambers, Collin, Comal, Dallas, Denton, Ellis,

Fort Bend, Galveston, Guadalupe, Harris, Hays, Johnson, Kaufman, Kendall, Liberty, Montgomery, Parker, Rockwall, Smith, Tarrant, Travis, Waller, Williamson, Wilson, or Wise County;

- (6) a statement that the subject property is not receiving water or sewer service;
- (7) a statement that a copy of the petition has been mailed to the certificate holder via certified mail on the day that the landowner files the petition with the Commission;
- (8) copies of deed(s) showing that the property is owned by the same owner; and
- (9) mapping documents, as described below.

The petition may be verified with the required statements, or the landowner may attach an affidavit made within personal knowledge, reciting the facts and affirming them.

Deed(s)

Q. What are the requirements for the deed(s)?

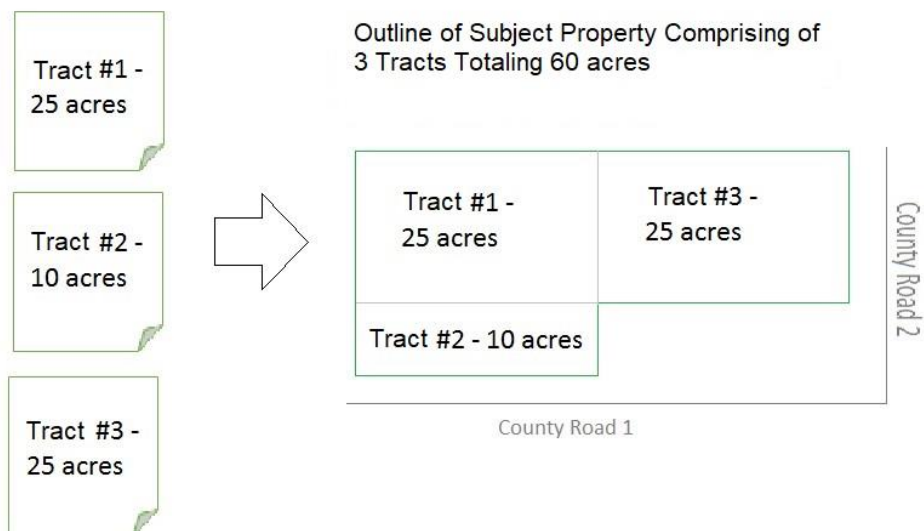
A. The deed(s) must:

- (1) demonstrate that the petitioner owns the entire subject property,
- (2) describe the location of the property, and
- (3) reflect that the total property is at least 25 acres.

Q. What if ownership of the subject property is conveyed with multiple deeds?

A. If the subject property is comprised of multiple contiguous tracts, then the corresponding deeds for each tract must be submitted. If ownership of the subject property is conveyed with multiple deeds and the multiple tracts form a contiguous single property, the petitioner should submit a detailed map showing the location and acreage of each tract within the entire subject property. *Commission staff must be able to use this map to accurately determine the location of each tract of land within the entire subject property. See Image 1 below for example:

Im. 1



Q. Should I include the deeds to abutting tracts I own that are located in close proximity to the outer boundary of the CCN from which I am requesting to be released?

A. Yes. To ensure that no slivers of your property are left behind when your property is released from the CCN, you should provide deeds to any abutting tracts located in close proximity to the outer boundary of the CCN.

Q. Why does Commission staff need the requested maps and documentation?

A. Commission staff requires the maps, and documentation requested above to confirm:

- (1) the total acreage for the subject property as stated in the petition is the same as provided in the deeds, maps, and digital mapping data;
- (2) each tract as defined in each deed is located within the subject property; and
- (3) each tract of the property is owned by the same property owner.

Mapping Documents [See mapping requirements under 16 TAC § 24.245(m)]

Q. What are the requirements for mapping documents?

A. There are three mapping requirements. This means that a petitioner must file:

- (1) a general location (small scale) map;
- (2) a detailed (large scale) map; and
- (3) digital mapping data or a metes and bounds survey showing only the subject property.

Each of these mapping documents is further explained below.

General Location (Small Scale) Map

Q. What must the general location (small scale) map show?

A. The general location map must show only the subject property with enough detail to locate the subject property in the vicinity of the nearest town, city, or county.

Q. Is a graphic or diagram of the subject property considered an acceptable mapping document?

A. No. A hand drawn map, graphic (such as a PDF), or diagram of the subject property is not considered an acceptable mapping document. The subject property must be displayed on a small-scale map shown in reference to verifiable man-made and natural landmarks such as roads, railroads, or rivers.

Q. How many copies of the general location (small scale) map must be filed with the petition or supplementary filings?

A. The petitioner must include seven color copies of each map that are legible and maintain the scale of the map. To maintain the scale of map, the map cannot be reduced or enlarged from the original map.

Detailed (Large Scale) Map

Q. What must the detailed (large scale) map show?

A. The detailed map must show only the subject property with enough detail to accurately locate the subject property in reference to verifiable man-made and natural landmarks such as roads, railroads, or rivers.

Q. How much detail must be included in the detailed (large scale) map?

A. The detailed map must clearly label and mark the outer boundary of the subject property in reference to verifiable man-made and natural landmarks such as roads, railroads, and rivers. These verifiable man-made and natural landmarks must be clearly labeled and marked on the map as well.

Q. Is a graphic or diagram of the subject property considered an acceptable mapping document?

A. No. A hand drawn map, graphic (such as a PDF), or diagram of the subject property is not considered an acceptable mapping document. The subject property must be displayed on a large scale map shown in reference to verifiable man-made and natural landmarks such as roads, railroads, or rivers.

Q. How many copies of the detailed (large scale) map should be submitted with the petition?

A. The petitioner must include seven color copies of each map that are legible and maintain the scale of the map. To maintain the scale of the map, the map cannot be reduced or enlarged from the original map.

Digital Mapping Data

Q. Do I need to submit both digital mapping data and a metes and bounds survey?

A. No. You may submit either digital mapping data or a metes and bounds survey. If the submitted information does not properly depict the information necessary to process the petition, then additional information will be requested.

Q. What must the digital mapping data show?

A. The digital mapping data must show only the subject property. The digital mapping data must reflect the same subject property as shown on the general location and detailed maps. The subject property must be clearly labeled. If multiple tracts make up the entire subject property, then provide digital mapping data for each tract and the overall entire subject property.

Q. In what file format must the digital mapping data be submitted?

A. The digital mapping data must be submitted in either a shapefile (.shp) or a drawing (.dwg) format.

Q. What must be included with digital mapping data, if submitted in a shapefile (.shp) format?

A. A shapefile is made up of a minimum of six files including a .dbf, .shp, .shx, .sbx, .sbn, and the projection (.prj) file.

- The .prj file includes the details of the coordinate system and datum used to create the shapefile.

- The .shp file must be a single, continuous polygon record clearly marked as the subject property.

Q. On what medium must the digital mapping data be submitted?

A. The digital mapping data must be stored on a data disk (CD) or flash drive and filed with Central Records at the Commission.

Q. How must the CD be labelled?

A. Each CD must be labeled with the petitioner's name and, if known, the docket number. Docket numbers are issued when a petition is filed. Therefore, if you are filing the CD with the petition, label the CD with the name and a space for the docket number.

Example: XYZ Water or Sewer Utility
 Docket # _____

Q. How many copies of the CD or flash drives should be submitted with the petition or supplementary filings?

A. The petitioner should include seven copies of the CD or flash drive. The contents of each CD or flash drive must be identical.

Metes and Bounds Survey

Q. Do I need to submit both a metes and bounds survey and digital mapping data?

A. No. You may submit either a metes and bounds survey or digital mapping data. If the submitted information does not properly depict the information necessary to process the petition, then additional information will be requested.

Q. Must a metes and bounds survey be certified by a licensed state or registered professional land surveyor?

A. Yes. The metes and bounds survey (legal description) must be certified by a licensed state land surveyor or a registered professional land surveyor.

Q. What format must the metes and bounds survey be submitted to the Commission?

A. The metes and bounds survey must be filed as a map or legal description including all the calls that make up the entire subject property. If not filed as a map, then the petition must include a detailed map that meets our mapping requirements. If the submitted information does not properly depict the information necessary to process the petition, then additional information will be requested.

Q. How many copies of the metes and bounds survey should be submitted with the petition?

A. The petitioner must include seven legible copies of each map, which must maintain the scale of the map. To maintain the scale of the map, the map cannot be reduced or enlarged from the original map.

Miscellaneous

Q. How do I file the SER petition at the Public Utility Commission of Texas?

A. Instructions are available at: <http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>

Q. Who should I contact if I have further questions?

A. For general questions, please call 512-936-7405.

For questions relating to data or mapping, please contact:

Tracy Montes at 512-936-7187

Gary Horton at 512-936-7146