

Streamlined Expedited Release Guidance

I would like to apply for a streamlined expedited release (SER) under Texas Water Code (TWC) § 13.254(a-5)* and 16 Tex. Admin. Code (TAC) § 24.113(r)*. What should I know about the application process?

*Note: a copy of the relevant sections of the Texas Water Code and Texas Administrative Code can be found online at: <http://www.puc.texas.gov/agency/ruleslaws/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 from an existing certificate of convenience and necessity (CCN) if:

- (1) the subject property is owned by the same property owner(s), whether through one deed or multiple deeds;
- (2) the deed or deeds total at least 25 contiguous acres (note: not all subject property needs to be within the CCN as long as the total acreage is at least 25 acres);
- (3) the subject property is not receiving water or sewer service; and
- (4) 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 § 13.254(a-5) and 16 TAC § 24.113(r) and making certain demonstrations;
- (2) the deed(s) of the subject property; and
- (3) mapping documents.

Each of these three requirements is further explained below.

*Note: “petition” and “application” may be used interchangeably.

Written Request

Q. What must the written request include?

A. The written request must include:

- (1) a statement that identifies the landowner(s) who own the subject property;
- (2) a statement that the subject property is at least 25 contiguous acres (note: not all subject property needs to be within the CCN as long as the total acreage is at least 25 acres);

- (3) 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;
- (4) a statement that the subject property is not receiving water or sewer service;
- (5) 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;
- (6) copies of deed(s) showing that the property is owned by the same owner(s); and
- (7) 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)?

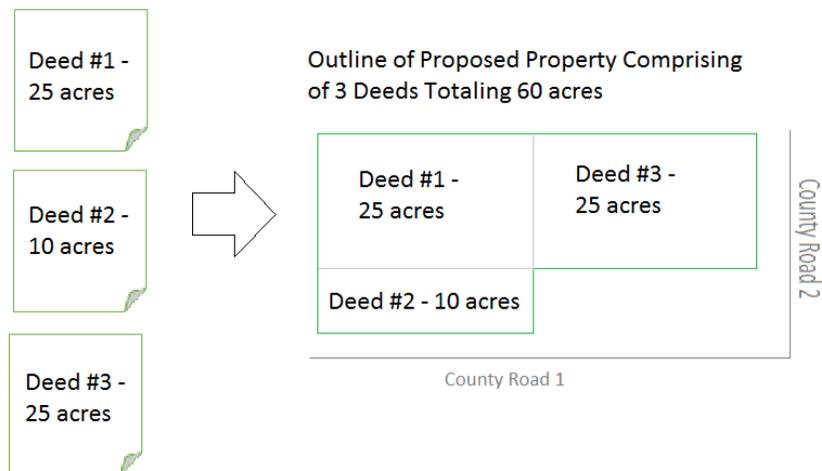
A. The deed(s) must:

- (1) demonstrate that the petitioner owns the 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 ownership of the subject property is conveyed with multiple deeds and the multiple deeds form a contiguous single property, the petitioner should submit a large-scale (detailed) map showing the location and acreage of each deed within the entire subject property.* Commission Staff must be able to use this map to accurately determine the location of each deed within the subject property. See Image 1 below for example:

Im. 1



Q. Should I include deeds to the abutting tracts, if I own them, and if they 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 slivers are not left behind when your property is removed and that your property is removed in its entirety from the CCN, you should provide deeds to any abutting tracts located in close proximity to the outer boundary of the CCN.

* Note: The maps and documentation requested above are needed by Commission Staff to confirm the following:

- (1) the total acreage for the subject property as stated in the petition is the same as provided in the deeds, maps, and digital 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(s).

Mapping Documents

Q. What are the requirements for mapping documents?

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

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

Each of these mapping documents is further explained below.

Small-Scale (General Location) Map

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

A. The small-scale (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/or natural landmarks such as roads, railroads, or rivers.

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

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

Large-Scale (Detailed) Map

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

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

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

A. The large-scale (detailed) map must clearly label and mark the outer boundary of the subject property in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers. These verifiable man-made and/or 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/or natural landmarks such as roads, railroads, or rivers.

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

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

Digital Data

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

A. No. You may submit either digital 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 data show?

A. The digital data must show only the subject property. The digital data must correspond to the same subject property as shown on the small and large scale maps. The subject property must be clearly labeled.

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

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

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

A. A shapefile is made up 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.

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

Q. What must be included with digital data, if submitted in a drawing (.dwg) format?

A. Include the world (.wld) file or text file with the details of the coordinate system and datum used to create the .dwg. Also, the .dwg file must be a single, continuous polyline or polygon record clearly marked as the subject property.

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

A. The digital data must be submitted on a data disk (CD) 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 Utility
 Docket # _____

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

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

Metes and Bounds Survey

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

A. No. You may submit either a metes and bounds survey or digital 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.

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:

Kristy Nguyen at 512-936-7375 or

Tracy Montes at 512-936-7187.

Attorneys, please call 512-936-7288.