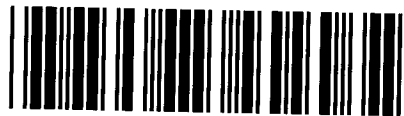




Control Number: 45151



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Addendum StartPage: 0

PUC DOCKET NO. 45151

CITY OF CELINA NOTICE OF
INTENT TO PROVIDE RETAIL WATER §
AND SEWER SERVICE TO 494.819- §
ACRE AREA DECERTIFIED FROM §
MUSTANG SPECIAL UTILITY §
DISTRICT IN DENTON COUNTY §

BEFORE THE PUBLIC UTILITY COMMISSION
OF TEXAS
SEP 24 AM 9:00
FILING CLERK

MUSTANG SUD'S MOTION TO INTERVENE AND RESPONSE TO ORDER NO. 1

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

NOW COMES, Mustang Special Utility District ("Mustang SUD") and files this Motion to Intervene and Response to Order No. 1. In support thereof, Mustang SUD would respectfully show as follows:

INTRODUCTION

In Docket No. 44629, the Public Utility Commission of Texas ("PUC") granted CADG Sutton Fields, LLC's ("Sutton Fields") petition to amend Mustang SUD's water Certificate of Convenience and Necessity ("CCN") No. 11856 and sewer CCN No. 20930 by expedited release on July 16, 2015 ("PUC Order"). Mustang SUD filed a motion for reconsideration which was overruled as a matter of law on August 31, 2015. However, the PUC Order is not yet final and non-appealable.

On September 14, 2015, the City of Celina, Texas ("Celina"), filed a notice of its intent (the "Notice of Intent") to provide retail water and sewer service to the 494.819-acre tract owned by Sutton Fields (the "Property") which was decertified from Mustang SUD's CCN No. 11856 and CCN No. 20930 by the PUC in Docket No. 44629.

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MOTION TO INTERVENE

Mustang SUD respectfully requests to intervene as a party in the above-captioned proceeding. Order No. 1 does not set a deadline to intervene or indicate that intervention is necessary. However, out of an abundance of caution, Mustang SUD requests to intervene pursuant to PUC Procedural Rules 22.103 and 22.104.

Mustang SUD has the right to intervene under PUC Procedural Rule 22.103(b) because, as the former holder of the CCNs, it is a key party with justiciable interests which may be adversely affected by the outcome of this proceeding. As the former holder of the CCNs of the Property, Mustang SUD has a justiciable interest in the determination of the compensation owed to it.

RESPONSE TO ORDER NO. 1

Celina may not render retail water or sewer service to the Property without providing compensation to Mustang SUD for any of Mustang SUD's property which the PUC determines is rendered useless or valueless to Mustang SUD as a result of the decertification in Docket No. 44629. Tex. Water Code § 13.254(d). Compensation is to be determined at the time another retail public utility seeks to provide service but before the service is provided. *Id.* § 13.254(e). The PUC is required to insure compensation is determined not later than the 90th calendar day after the date on which the Notice of Intent was filed. *Id.* The amount of compensation is to be determined first by a qualified independent appraiser agreed upon by the decertified retail public utility and the retail public utility seeking to provide service. Tex. Water Code § 13.254(f). If they are unable to agree on an independent appraiser, they each engage, at their own expense, their own appraiser. *Id.* § 13.254(g-1).

Order No. 1 requested Mustang and Celina to notify the Honorable Administrative Law Judge by September 24, 2015, if the parties had agreed on an appraiser. This response is timely filed. Unfortunately, the parties were unable to agree on an appraiser. Mustang SUD has selected Jack Stowe and/or Christopher Ekrut, NewGen Strategies & Solutions, 1300 E. Lookout Dr., Suite 100, Richardson, Texas 75082, as its appraiser.

PRAYER

Mustang SUD respectfully requests that the PUC grant its motion to intervene and accept this notice that Mustang SUD and Celina did not agree on an independent appraiser.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 

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ATTORNEYS FOR MUSTANG SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

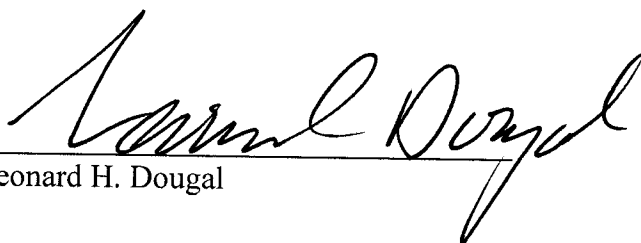
I hereby certify that on the 24th day of September 2015, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

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