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APPLICATION OF CITY OF §  
 SCHERTZ TO AMEND A SEWER §  
 CERTIFICATE OF CONVENIENCE §  
 AND NECESSITY UNDER WATER §  
 CODE SECTION 13.255 AND TO §  
 DECERTIFY A PORTION OF GREEN §  
 VALLEY SPECIAL UTILITY §  
 DISTRICT'S CERTIFICATE RIGHTS §  
 IN BEXAR COUNTY §

PUBLIC UTILITY COMMISSION  
 OF TEXAS  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK

JUNE 10 PM 4:33

**ORDER NO. 2  
 ESTABLISHING TIMELINE AND REQUIRING FILINGS**

This Order establishes a timeline and requires filings by the parties to this proceeding, the City of Schertz (Schertz) and Green Valley Special Utility District (Green Valley). On June 1, 2016, Schertz reported that it had appointed Mr. Jack Stowe, President of NewGen Strategies & Solutions, LLC to serve as its independent appraiser. Schertz also requested that the Commission recognize that an impasse exists with regards to appointment of an agreed independent appraiser and establish a procedural schedule in accordance with Texas Water Code § 13.255(1) (TWC).

Under TWC § 13.255(l) and 16 Tex. Admin. Code § 24.120(m), the following timeline is applicable to this portion of this proceeding:

- On or before the 11<sup>th</sup> day after notification of an impasse with regards to appointment of an agreed independent appraiser, the retail public utility and municipality shall appoint their own appraisers.
- On or before the 10<sup>th</sup> business day after the date of their appointment, the independent appraisers shall meet to reach an agreed determination of the amount of compensation.
- If the appraisers are unable to agree on a determination before the 16<sup>th</sup> business day after the date of their first meeting, the retail public utility or municipality may petition the Commission or a person the Commission designates for the purpose to appoint a third qualified independent appraiser to reconcile the appraisals of the two originally appointed appraisers.


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According to the above referenced timeline, the eleventh day after the Commission received notification of an impasse with regards to the appointment of an agreed independent appraiser was June 13, 2016. Therefore, on or before that date, Green Valley should have appointed its own independent appraiser. Additionally, the parties' independent appraisers are required to meet for the first time no later than June 27, 2016 and have 16 business days from their first meeting to seek an agreement. If the parties' independent appraisers are unable to reach an agreement within 16 business days, either party may petition the Commission for appointment of a third qualified appraiser.

Accordingly on or before **June 24, 2016**, Green Valley shall notify the Commission of its appointed independent appraiser. Additionally, within two business days of the first meeting of the parties' independent appraisers, the parties shall notify the Commission of the date of that meeting and provide their respective appraisals. Then, no later than two business days after the expiration of 16 business days from the date of the parties' appraisers first meeting, the parties shall notify the commission whether an agreement was reached, and if so provide that agreement. Further deadlines will be established following completion of the timeline discussed in this Order.

**SIGNED AT AUSTIN, TEXAS the 21<sup>st</sup> day of June 2016.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
For: **SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**