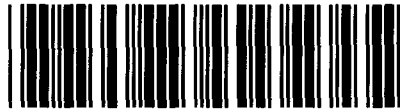




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DOCKET NO. 47518

LANDOWNERS' PETITION TO
AMEND MANVILLE WATER SUPPLY
CORPORATION'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
TRAVIS COUNTY BY EXPEDITED
RELEASE

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**ORDER NO. 3
GRANTING MOTION TO INTERVENE**

This Order addresses the motion to intervene of Manville Water Supply Corporation filed on October 12, 2017. Manville, a member-owned non-profit retail public utility and holder of the certificate of convenience and necessity (CCN) sought to be amended by expedited release in this docket, requested intervenor status for the purpose of establishing its right to reasonable compensation for its lost service area.¹

On October 18, 2017, the applicant landowners, Kimbro Road Estates, LP, Sky Village Kimbro estates, LLC, Alma Juanita Champion Meier, William Clark Meier and Carolyn Juanita Fauber, filed an objection to Manville's motion to intervene and requested that it be denied.² The landowners asserted that the motion to intervene was filed untimely.³ Also, the landowners requested that if Manville is permitted to intervene, (1) Manville should bear the burden of establishing the existence of any useless or valueless property, (2) the appropriate compensation for any such property should be determined in a subsequent proceeding, "at the time another retail public utility seeks to provide service" to the decertified area as required by Texas Water Code (TWC) § 13.254(e), and (3) that the Commission not extend the 60-day timeline as established in TWC § 13.254(a-6).⁴

On October 19, 2017, Manville filed a response to Landowners' objection to the motion to

¹ General Appearance and Petition in Intervention of Manville Water Supply Corporation at 2 (Oct. 12, 2017).

² Landowner's First Objection to Manville Water Supply Corporation's Petition in Intervention (Oct. 18, 2017).

³ *Id.* at 1-2.

⁴ *Id.* at 2-3.

intervene.⁵ Manville stated that it did not receive a copy of the petition until October 12, 2017, and that the motion to intervene was then promptly filed.⁶ Manville stated that the late filing of the petition to intervene is of no consequence and will not serve to delay this proceeding because the petition is not administratively complete.⁷ Manville agreed with the landowners that it bears the burden of proof of establishing the existence of any useless or valueless property and the amount of compensation owed, and that the appropriate compensation should be determined in a subsequent proceeding.⁸ Manville stated that it has not requested that the 60-day timeline be extended as the statute does not provide for an extension.⁹ Manville reiterated that it is requesting intervention for the purpose of protecting its right to compensation.¹⁰

Manville has a justiciable interest in this proceeding and granting Manville's motion to intervene will not delay or extend this proceeding. Manville's motion to intervene is granted.

Signed at Austin, Texas the 20th day of October 2017.

PUBLIC UTILITY COMMISSION OF TEXAS


SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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⁵ Response of Manville Water Supply Corporation to Landowner's First Objections to Manville Water Supply Corporation's Petition in Intervention (Oct. 19, 2017).

⁶ *Id.* at 1.

⁷ *Id.*

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ *Id.*