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DOCKET NO. 50404

PETITION OF STERLING DEASON	§	PUBLIC UTILITY COMMISSION
O'DONNELL AND DARWIN DEASON,	§	
CO-TRUSTEES OF THE STERLING	§	OF TEXAS
DEASON O'DONNELL DD 2012 TRUST	§	
UNDER AGREEMENT OF THE DD	§	
2014-B GRANTOR RETAINED	§	
ANNUITY TRUST TO AMEND	§	
MARILEE SPECIAL UTILITY	§	
DISTRICT'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
COLLING COUNT BY EXPEDITED	§	
RELEASE	§	

PETITIONER'S SUBMISSION OF APPRAISAL

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

In accordance with the Final Order and Order No. 5, Sterling Deason O'Donnell and Darwin Deason, co-trustees of the Sterling Deason O'Donnell DD 2012 Trust under agreement of the DD 2014-B Grantor Retained Annuity Trust (the "Petitioner") submits its appraisal report in support of its contention the Marilee Special Utility District is not entitled to compensation in this docket.

Respectfully submitted,

COATS ROSE, P.C.

By: 

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on the following attorney of record on or before May 10th 2022 in accordance with 16 Tex. Admin. Code § 22.74(c).

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Natalie B. Scott



May 9, 2022

Ms. Natalie B. Scott, Attorney
COATS ROSE, P.C.
2700 Via Fortuna, Suite 350
Austin TX 78746

Re: Compensation Determination for Area Subject to Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release (PUC Docket No. 50404)

Dear Ms. Scott,

On behalf of Willdan Financial Services ("Willdan"), my staff and I have completed our valuation of the property that is the subject of a petition set forth by Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust ("O'Donnell") for Streamlined Expedited Release from Marilee Special Utility District ("Marilee") Water CCN No. 10150. This property is located in Collin County and is identified in Texas Public Utility Commission Docket No. 50404. The petition was approved via the issuance of an Order dated October 12, 2021, and included in this summary valuation as **Appendix A**.

Specifically, Ordering Paragraph Number 7 states that "the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 12. Any decision on compensation will be made by a separate order." The purpose of this summary letter is to provide our opinion on the value of the CCN to the prior certificate holder, Marilee, in accordance with applicable laws and statutes.

Based on this valuation, the recommended just and adequate compensation that the Marilee should receive for the decertification of the 259.5-acre tract from its CCN service area should be \$0, as discussed in detail in the remainder of this Letter Report.

Governing Statutes and Rules

The Petition in this proceeding was filed in accordance with Texas Water Code (TWC) §13.254 and 16 Texas Administrative Code (TAC) § 24.245(h). TWC §13.254 provides for the following relative to the valuation to be conducted as part of this proceeding:

- (f) The utility commission may require an award of compensation by the petitioner to the certificate holder in the manner provided by this section, and
- (h) Section 13.254(g) applies to a determination of the monetary amount of compensation under this section.

In reference to TWC §13.254(g) and 16 TAC § 24.245(j), the factors ensuring that the compensation to a retail public utility is just and adequate shall include:

- (1). Specific to real property, the value of real property owned and utilized by the retail public utility for its facilities determined in accordance with the standards set forth in Chapter 21, Property Code, governing actions in eminent domain.
- (2). Specific to personal property, the factors ensuring that the compensation to a retail public utility is just and adequate shall include:
 - (A) The amount of the former CCN holder's debt allocable to service to the removed area;
 - (B) The value of the service facilities belonging to the former CCN holder that are located within the removed area;
 - (C) The amount of any expenditures for planning, design, or construction of the service facilities of the former CCN holder that are allocable to service to the removed area;
 - (D) The amount of the former CCN holder's contractual obligations allocable to the removed area;
 - (E) Any demonstrated impairment of service or any increase of cost to consumers of the former CCN holder remaining after a CCN revocation or amendment under this section;
 - (F) The impact on future revenues lost from existing customers;
 - (G) Necessary and reasonable legal expenses and professional fees, including costs incurred to comply with TWC §13.257(r); and
 - (H) Any other relevant factors as determined by the Commission.

Documents Reviewed

Documents that Willdan reviewed in conducting this valuation analysis, include, but are not limited to the following:

- Texas Water Code Section 13.254 and others
- Texas Administrative Code Section 24.245
- Filings with the Public Utility Commission of Texas in Docket No. 50404
- The First Amended Petition filed by Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust to Amend Marilee Special Utility District's Water Certificate of Convenience and Necessity in Collin County by Expedited Release
- Order Approving Expedited Release in PUC Docket No. 50404 (included as **Appendix A**)



Background

On April 27, 2021, Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust filed an amended petition for streamlined expedited release of property in Collin County from the service area under water certificate of convenience and necessity (CCN) number 10150. Marilee Special Utility District was identified as the holder of CCN number 10150. The tract of land owned by O'Donnell is approximately 265.679 contiguous acres of land in Collin County, Texas. O'Donnell is requesting that 259.5 acres of this tract be released as part of this petition. On October 12, 2021, the Commission issued an Order releasing the tract of land identified in the petition from the Marilee's service area under CCN number 10150.

As of today, the property is vacant, and has no existing development. Further, as noted in the PUC's Decertification Order, "the CCN holder has no facilities or lines that provide water service to the release property."

Analysis of Valuation Criteria

In this section we evaluate each of the factors outlined in TWC §13.254(g) and 16 TAC § 24.245(j) for the purposes of assessing a valuation of the decertified CCN. I will first state the criteria and then provide my analysis and conclusions regarding an appropriate valuation.

1. The value of real property owned and utilized by the retail public utility for its facilities.

Findings:

Specific to the expedited release, the certificated area is being released from Marilee's water CCN. However, no real property is changing hands as a result of the decertification. Further, according to Findings of Fact Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48 in **Appendix A:**

"The release property is not receiving actual water service from the CCN holder."

"The petitioners have never requested that the CCN holder provide water service to the release property."

"The petitioners have never paid any charges or fees to the CCN holder to initiate or maintain water service for the release property, and there are no billing records or other documents indicating an existing account for the release property."

"The CCN holder owns and operates an eight-inch waterline running through the southern end of the release property, and a four-inch waterline running through the northwestern corner of the release property, but neither of those lines provides water service to the release property."

"The CCN holder owns and operates a six-inch waterline running parallel to, but outside of, the northeastern boundary of the release property, and a two-inch waterline running parallel to, but outside of, the southeastern boundary of the



release property. Neither of these lines provides water service to the release property.”

“The CCN holder owns and operates additional water system infrastructure located outside of, but in proximity to, the release property. None of this infrastructure provides water service to the release property.”

“The CCN holder owns and operates three water meters on the petitioner’s tract of land, but none of those meters are located within the release property and none provide water service to the release property.”

“The CCN holder provides, or has provided, water service to three separate parcels within the petitioner’s tract of land, but none of those parcels lies within the release property.”

“The CCN holder has not committed or dedicated any facilities or lines to the release property for water service.”

“The CCN holder has no facilities or lines that provide water service to the release property.”

“The CCN holder has not performed any acts for or supplied anything to the release property.”

“The CCN holder has not performed any acts for or supplied anything to the tract of land.”

In summary, there are no facilities in the area to be decertified, nor to the best of my knowledge has Marilee performed acts or supplied any service to the subject area. There is no real property that is owned and utilized by Marilee (“retail public facility”) for its facilities within the subject area.

This lack of documentation of specific growth in the CCN area leads to the reasonable conclusion that no growth or development would be expected in the CCN area in the foreseeable future if Marilee were to continue to possess the CCN.

Therefore, it is my opinion that the value for **Factor 1** is \$0.00 associated with real property owned and utilized by the retail public utility.

2A. The amount of the retail public utility's debt allocable for service to the removed area.

Findings:

Similar to Item No. 1 above, Marilee has no facilities and/or customers within the subject area, nor has Marilee performed acts or supplied any service to the subject area. Therefore, it is my opinion that \$0.00 in Marilee’s current debt is allocable to this area for **Factor 2A**.



2B. The value of the service facilities of the retail public utility located within the removed area.

Findings:

The Findings of Fact cited above state conclusively that Marilee does not maintain service facilities on the subject area. Therefore, it is my opinion that there is \$0.00 value to be assigned to **Factor 2B**.

2C. The amount of any expenditures for planning, design, or construction of the service facilities that are allocable to service to the removed area.

Findings:

As Marilee did not provide any documentation to the contrary, it is assumed that additional investment and additional action would be necessary to provide and expand the utility's service to the subject area.

Therefore, based on documentation provided and reviewed as part of the filings in Docket No. 50404, and to the best of my knowledge, I have seen no evidence that expenditures associated with the planning, design, or construction of service facilities can be allocable to the area to be decertified. As a result, I have assigned a \$0.00 value to **Factor 2C**.

2D. The amount of contractual obligations allocable to the removed area.

Findings:

As previously stated in the Findings of Fact, Marilee does not have any existing customers or infrastructure located within the subject area.

Therefore, it is unreasonable to allocate any existing contractual obligations to the removed area. As a result, my opinion of value for **Factor 2D** is \$0.00.

2E. Any demonstrated impairment of service or any increase of cost to consumers remaining after the decertification.

Findings:

There are no current customers or facilities within the subject area, and the evidence in Factor 1 leads to the reasonable conclusion that no growth or development would be expected in the CCN area for the foreseeable future if Marilee were to continue to possess the CCN.

Therefore, it is my opinion that there is no evidence of impairment of services and/or increase in costs to the remaining customers of Marilee as a result of decertification. No



current customers contribute to fixed cost recovery currently from the subject area, and there is no reasonable expectation of future development that will lead to future customers contributing to fixed cost recovery. As a result, my opinion of value for **Factor 2E** is \$0.00.

2F. The impact on future revenues lost from existing customers.

Findings:

As previously stated, there are no existing customers within the subject area as specifically stated in the Findings of Fact. Therefore, there is no loss of future revenues from existing customers in the area. Given this, my opinion of value for **Factor 2F** is \$0.00.

2G. Necessary and reasonable legal expenses and professional fees.

Findings:

Marilee is entitled to recovery of any necessary and reasonable legal expenses related to its participation in Docket No. 50404, along with professional fees incurred in preparing its determination of compensation.

At this time, I do not have any information regarding any legal expenses or professional fees incurred by Marilee. I recommend that the Commission order Marilee to produce invoice documentation in support of any requested legal expenses and professional fees, as well as specific justification for the reasonableness of such expenses. Based on that evidence provided by Marilee, the Commission should make a determination as to whether Marilee is entitled to reimbursement for legal and professional expenses, and if so, the total amount of such reimbursement.

2H. Any other relevant factors.

Findings:

As indicated in Docket No. 50404, there are currently no assets located within the area to be decertified. Marilee would incur additional capital cost to provide service to the subject area.

Further, I have researched other transactions involving parcels that have been decertified from both water and sewer CCN's. A summary of the transactions is included in **Appendix B**. These transactions date from 2015 through present. The majority of the transactions identified were for decertified parcels that were similar to the circumstances identified in the O'Donnell petition and Order Findings of Fact for PUC Docket No. 50404. Many of the transactions involved one or more appraisals as shown on **Schedule 1**. Additionally, a some of the transactions did not involve an appraisal as a



settlement was reached between the two parties before the appraisal process was begun, as identified on **Schedule 2**. As shown on **Schedule 1** and **Schedule 2**, other than an allowance for “necessary and reasonable legal expenses and professional fees” the vast majority of the transactions identified resulted in a PUC Order of no compensation due.

I am unaware of any other relevant factors to be considered within this proceeding which would merit further analysis for determining just and adequate compensation.

Conclusion

Based upon my analysis, as governed by TWC §13.254(g), and on the Commission's Findings of Fact noted above, it is my opinion that the compensation determination for the area subject to the Landowner's application for Expedited Decertification is zero dollars (\$0.00), with the exception that Marilee should be allowed to recover necessary and reasonable legal and professional fees as approved by the Commission.

We appreciate this opportunity to assist you in this matter. If you have any questions, please do not hesitate to contact me at 972.378.6588 or djackson@willdan.com.

Respectfully submitted,

WILLDAN FINANCIAL SERVICES



Dan V. Jackson
Vice President

List of Appendices

Appendix A – Order Approving Expedited Release in PUC Docket No. 50404

Appendix B – Selected Decertified Parcel Analysis – Texas Public Utility Commission Dockets

Appendix C – Resume of Dan V. Jackson, MBA



Appendices

Appendix A



Control Number: 50404



Item Number: 66

DOCKET NO. 50404

**PETITION OF STERLING DEASON
O'DONNELL AND DARWIN DEASON,
CO-TRUSTEES OF THE STERLING
DEASON O'DONNELL DD 2012 TRUST
UNDER AGREEMENT OF THE DD
2014-B GRANTOR RETAINED
ANNUITY TRUST TO AMEND
MARILEE SPECIAL UTILITY
DISTRICT'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
COLLIN COUNTY BY EXPEDITED
RELEASE**

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PUBLIC UTILITY COMMISSION

2021-05-12 PM 4:30

OF TEXAS

FILED CLERK

ORDER

This Order addresses the first amended petition by Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust under agreement of the DD 2014-B Grantor Retained Annuity Trust for streamlined expedited release of a portion of a tract of land in Collin County from the service area under certificate of convenience and necessity (CCN) number 10150. Marilee Special Utility District is the holder of CCN number 10150. For the reasons stated in this Order, the Commission releases the land from Marilee's certificated service area. In addition, the Commission amends Marilee's CCN number 10150 to reflect the removal of this property from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Marilee, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Sterling Deason O'Donnell and Darwin Deason are the co-trustees of the Sterling Deason O'Donnell DD 2012 Trust dated September 5, 2012.

CCN Holder

2. Marilee is a special utility district operating under chapter 65 of the Texas Water Code (TWC).

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3. Marilee holds CCN number 10150 that obligates it to provide retail water service in its certificated service area in Collin County.
4. Marilee is the successor to Gunter Special Utility District and Gunter Rural Water Supply Corporation.

Original Petition and Petitioners' Supplemental Filings

5. On January 2, 2020, the petitioners filed a petition for streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 10150.
6. The petition includes an affidavit, dated December 23, 2019, of Sterling Deason O'Donnell, one of the petitioners; a metes and bounds description of the tract of land; a survey map; and a general warranty deed dated February 7, 2019.
7. On February 7, 2020, the petitioners filed supplemental information, which includes a certificate of authority dated February 4, 2020, signed by Darwin Deason and authorizing Sterling Deason O'Donnell to execute, on Darwin Deason's behalf, all documents necessary to support the petition.
8. On February 12, 2020, the petitioners again supplemented the application, which includes maps of the subject property, and a computer disc containing mapping data.
9. On April 1, 2020, the petitioners again supplemented the application, which includes maps of the subject property, and digital mapping data.
10. On April 8, 2020, the petitioners filed a reply to the CCN holder's response to the petition, which includes a metes and bounds description and a map.
11. In Order No. 5 filed on June 12, 2020, the administrative law judge (ALJ) found the petition administratively complete.

Intervention and Response to the Petition

12. In Order No. 2 filed on January 30, 2020, the ALJ granted the CCN holder's motion to intervene.
13. On February 11, 2020, the CCN holder filed a response to the petition, which includes an affidavit, dated February 7, 2020, of Donna Loiselle, the CCN holder's general manager; maps identifying the tract of land and the CCN holder's waterlines and meters in relation

thereto; billing statements from the CCN holder to Alvaro Arias, Neil Mowles, and Haley Johnston; records from the Collin County Central Appraisal District related to the tract of land; and a map, dated 2017, of the CCN holder's waterlines and meters.

14. On July 2, 2020, the CCN holder filed an objection to Commission Staff's recommendation on final disposition, which includes an affidavit, dated July 2, 2020, of Eddy Daniel, the CCN holder's consulting engineer; and a map of the property and the CCN holder's water infrastructure.
15. On December 9, 2020, the CCN holder filed a response to Order No. 7, which includes an affidavit, dated December 8, 2020, of Ms. Loiselle; a right of way easement dated June 29, 1993; a warranty deed with vendor's lien dated July 30, 1997; a membership transfer authorization; a map of the tract of land; a right of way easement dated November 13, 1992; a Gunter Special Utility District Service Application and Agreement dated March 29, 2004; a letter, dated April 19, 2004, from Ms. Loiselle, then-general manager of Gunter Special Utility District to Patricia Deason; and a check, dated April 30, 2004, from LMI Landscapes to Gunter SUD.

The Motions to Dismiss

16. On April 16, 2020, the CCN holder filed what effectively constituted a motion to dismiss, arguing that dismissal was warranted under the doctrines of *res judicata* or *collateral estoppel* (the first motion to dismiss).
17. In Order No. 6 filed on November 19, 2020, the ALJ denied the first motion to dismiss.
18. On November 30, 2020, the CCN holder filed a second motion to dismiss, contending that the way in which the petition has been processed has deprived the CCN holder of its right to due process under the state and federal constitutions.
19. In Order No. 8 filed on January 8, 2021, the ALJ denied the second motion to dismiss.

Commission Consideration and Remand

20. On January 27, 2021, the ALJ filed a revised proposed order which would grant expedited release.

21. On April 7, 2021, the Commission declined to adopt the revised proposed order and, instead, remanded the proceeding to docket management to give the petitioners an opportunity to amend the petition.

First Amended Petition Following Remand

22. On April 27, 2021, the petitioners filed a first amended petition.
23. The first amended petition includes an affidavit, dated April 26, 2021, of Sterling Deason O'Donnell; maps; a metes and bounds description of the land for which release is sought; and a general warranty deed dated February 7, 2019.
24. On April 28, 2021, the petitioners supplemented the first amended petition with a location map, a detailed map, a metes and bounds description of the property for which release is sought, and digital mapping data.
25. In light of the fact that the petitioners amended their petition, the ALJ, in Order No. 10 filed on May 26, 2021, withdrew the administrative completeness determination made in Order No. 5.
26. In Order No. 12 filed on June 10, 2021, the ALJ found the first amended petition administratively complete.

Response to the First Amended Petition

27. The CCN holder filed a response to the first amended petition on May 13, 2021.
28. The response includes an affidavit, dated May 13, 2021, of Ms. Loiselle; maps and aerial photographs of the tract of land; a Gunter Special Utility District Service Application and Agreement dated March 29, 2004; a membership transfer authorization; a letter, dated April 19, 2004, from Ms. Loiselle, then-general manager of Gunter Special Utility District to Patricia Deason; a check, dated April 30, 2004, from LMI Landscapes to Gunter SUD; water bills from the CCN holder to Alvaro Arias and Patricia Deason; customer account details for Alvaro Arias, Neil Mowles, and Haley Johnston; a right of way easement dated June 29, 1993; a right of way easement dated November 13, 1992; an audit history of billing by the CCN holder to Neil Mowles; a warranty deed with vendor's lien dated July 30, 1997; maps identifying the tract of land and the CCN holder's waterlines and meters in relation thereto; and a right of way easement dated November 13, 1992.

29. On June 17, 2021, the CCN holder filed a response and objection to the administrative completeness of the first amended petition, which includes the same attachments as its May 13, 2021 response.

Notice

30. The petitioners sent a copy of the petition by certified mail, return receipt requested, to the CCN holder on December 30, 2019.
31. In Order No. 5 filed on June 12, 2020, the ALJ found the notice sufficient.

The Tract of Land

32. The tract of land is approximately 265.679-acres and is in Collin County.
33. The portion the tract of land for which the petitioners seek expedited release (the release property) is approximately 259.5 acres.
34. The release property is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

35. The petitioners acquired the tract of land by a general warranty deed dated February 7, 2019.

Qualifying County

36. Collin County abuts Dallas County and has a population greater than 47,500.
37. Dallas County has a population of at least one million.

Water Service

38. The release property is not receiving actual water service from the CCN holder.
39. The petitioners have never requested that the CCN holder provide water service to the release property.
40. The petitioners have never paid any charges or fees to the CCN holder to initiate or maintain water service for the release property, and there are no billing records or other documents indicating an existing account for the release property.
41. The CCN holder owns and operates an eight-inch waterline running through the southern end of the release property, and a four-inch waterline running through the northwestern

corner of the release property, but neither of those lines provides water service to the release property.

42. The CCN holder owns and operates a six-inch waterline running parallel to, but outside of, the northeastern boundary of the release property, and a two-inch waterline running parallel to, but outside of, the southeastern boundary of the release property. Neither of these lines provides water service to the release property.
43. The CCN holder owns and operates additional water system infrastructure located outside of, but in proximity to, the release property. None of this infrastructure provides water service to the release property.
44. The CCN holder owns and operates three water meters on the petitioners' tract of land, but none of those meters are located within the release property and none provide water service to the release property.
45. The CCN holder provides, or has provided, water service to three separate parcels within the petitioners' tract of land, but none of those parcels lies within the release property.
46. The CCN holder has not committed or dedicated any facilities or lines to the release property for water service.
47. The CCN holder has no facilities or lines that provide water service to the release property.
48. The CCN holder has not performed any acts for or supplied anything to the release property.

Map and Certificate

49. On June 25, 2021, Commission Staff filed its recommendation on final disposition regarding the petitioners' first amended petition, that included a certificate and a map on which it identified the release property in relationship to the CCN holder's certificated service area.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the petition for streamlined expedited release under TWC §§ 13.254 and 13.2541.

2. The petitioners provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 or 16 TAC § 24.245(h)(7).
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition.
6. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
7. The petitioners own a tract of land, which is at least 25 acres and includes the release property for which they seek streamlined expedited release through the first amended petition.
8. Collin County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
9. The release property is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
10. The petitioners are entitled under TWC § 13.2541(b) to the release of the release property from the CCN holder's certificated service area.
11. After the date of this Order, the CCN holder has no obligation to provide retail water service to the petitioners' release property.
12. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertify any facilities or equipment

- owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under Texas Water Code § 13.2541(b).
13. The Commission processed the petition in accordance with the TWC and Commission rules.
 14. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Collin County no later than the 31st day after the date the CCN holder receives this Order.
 15. A retail public utility may not under TWC § 13.254(d) provide retail water service to the public within the tract of land unless just and reasonable compensation under TWC § 13.254(g) has been paid to the CCN holder.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the release property identified in the first amended petition from the CCN holder's certificated service area under CCN number 10150.
2. The Commission does not decertificate any of the CCN holder's equipment or facilities that may lay on or under the release property.
3. The Commission amends CCN number 10150 in accordance with this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificate attached to this Order.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 12. Any decision on compensation will be made by a separate order.

8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

Signed at Austin, Texas the 12th day of October 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



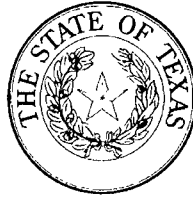
WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER



Public Utility Commission of Texas

By These Presents Be It Known To All That

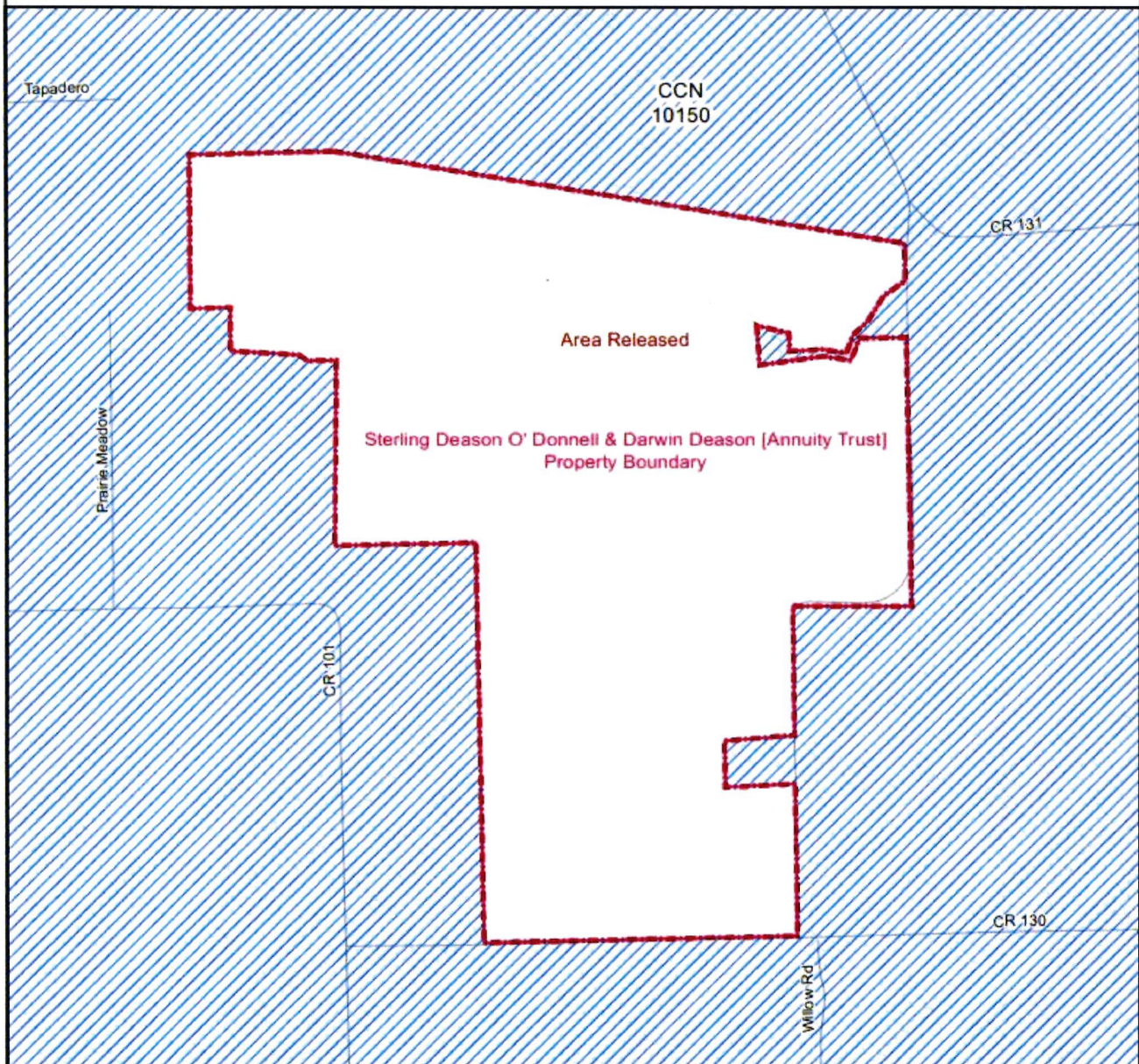
Marilee Special Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Marilee Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10150


to provide continuous and adequate water utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50404 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Marilee Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Marilee Special Utility District
 Portion of Water CCN No. 10150
 PUC Docket No. 50404
 Petition by Sterling Deason O' Donnell & Darwin Deason [Annuity Trust] to Amend
 Marilee Special Utility District's CCN by Expedited Release in Collin County



Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Water CCN

 10150 - Marilee SUD



Area Released



Property Boundary

0 400 800
 Feet



Map by: Komal Patel
 Date created: June 21, 2020
 Project Path: n:\finalmapping\50404MarileeSUD.mxd

Appendix B

Appendix B
Schedule 1
Selected Appraisal Reports Summary for Decertified CCN Parcels

Trans. No.	Control No.	CCN Holder (CCN No.)	Appraiser	Value for Factor: (1)								Total	Notes	Final Commission Order (if any)
				A	B	C	D	E	F	G	H			
1	44555	Tall Timbers Utility Company, Inc. (20694 S)	NewGen Strategies & Solutions									\$ -	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by the City to the area in question.	No Compensation due.
2	45244	Aqua Texas, Inc. (13201 W, 21059 S)	NewGen Strategies & Solutions									\$ -	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by the City to the area in question.	Fort Worth owes no compensation to Aqua and may provide retail water and sewer service to the Property.
3	45292	Suetrak USA Company, Inc. (11916 W, 20629 S)	NewGen Strategies & Solutions									\$ -	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by the City to the area in question.	No Compensation due.
4	45450	Aqua Texas, Inc. (13201 W)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 542	\$ -	\$ 542	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by Mustang SUD to the area in question. However, if a monetary compensation determination were to be made, it is our opinion that the compensation to be provided is \$541.96.	No Compensation due.
5	45462	Aqua Texas, Inc. (13201 W)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,341	\$ -	\$ 4,341	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by Mustang SUD to the area in question. However, if a monetary compensation determination were to be made, it is our opinion that the compensation to be provided is \$541.96.	No Compensation due.
6	45679	Guadalupe-Blanco River Authority (20892 S)	DGRA, Inc.	\$ 29,933	\$ -	\$ -	\$ -	\$ 4,225	\$ -	\$ 10,000	\$ -	\$ 44,158	Appraiser for Zipp Road Utility Company, LLC.	Under the settlement agreement, Zipp Road and Guadalupe-Blanco agree that Zipp Road will obtain wholesale sewer treatment services from Guadalupe-Blanco for the area Zipp Road seeks to certificate. Because Zipp Road is obtaining wholesale sewer treatment services from Guadalupe-Blanco, no property of Guadalupe-Blanco will be rendered useless or valueless by the decertification of certificate 20892.
6			NewGen Strategies & Solutions	\$ 747,940						\$ 11,000		\$ 758,940	Appraiser for GBRA (previous CCN Holder) The particular circumstances in this decertification limit GBRA compensation to: 1) The allocable share of debt and loan payments until the excess capacity in the collection system and WWTP are fully utilized; and 2) Reasonable legal expenses related to the decertification.	
6			Jones-Heroy & Associates, Inc.	\$ 438,900	\$ -	\$ 271,100	\$ -	\$ -	\$ -	\$ 20,000	\$ -	\$ 730,000		
7	45702	Green Valley Special Utility District (20973 S)	NewGen Strategies & Solutions									\$ -	Conclusion that there is no property that has been rendered useless and valueless as a result of decertification by the TCEQ and the provision of service by the City to the area in question.	

Appendix B
Schedule 1
Selected Appraisal Reports Summary for Decertified CCN Parcels

Trans. No.	Control No.	CCN Holder (CCN No.)	Appraiser	Value for Factor: (1)									Notes	Final Commission Order (if any)
				A	B	C	D	E	F	G	H	Total		
8	45848	Aqua Texas, Inc. (13201 W, 21059 S)	Jones-Heroy & Associates, Inc.	\$ -	\$ -	\$ 28,000	\$ -	\$ -	\$ -	\$ 10,000	\$ -	\$ 38,000		1. Aqua does not have any property that was rendered useless or valueless as a result of the decertification in Docket No. 45329.
8			KOR Group	\$ -	\$ -	\$ 38,250	\$ -	\$ -	\$ -	\$ 31,589	\$ 916,107	\$ 985,946	In order to determine the lost economic opportunity, and intangible personal property right, firm analyzed the achievable profits that are lost due to the decertification over a 25-year time period and included under other factors.	2. Celina does not owe any compensation to Aqua and may provide water and sewer service to the tract that was decertified in Docket No. 45329. Aqua appealed but did not find anything in this case number about the appeal.
8			B&D Environmental Inc.	\$ -	\$ -	\$ 38,250	\$ -	\$ -	\$ -	\$ 31,589	\$ -	\$ 69,839		
9	45956	Green Valley Special Utility District (20973 S)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	NewGen preliminary value \$0, however, they reserved the right to update the valuation based on additional information being provided. They also pointed out that Rule 24.120 (g) provides for the reimbursement of reasonable legal and professional fees.	No Compensation due. Green Valley Special Utility District filed a motion for Rehearing.
10	50109	Aqua Texas, Inc. (13203 W, 21065 S)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	NewGen Valuation Report showed \$0 value.	No Compensation due, however, parties agreed to pay \$4,000.
11	50258	UA Holdings 1994-5, LP (20586 S)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	NewGen Valuation Report showed \$0 value.	No Compensation due.
12	50495	City of Lakewood Village (20075 W)	Kimley-Horn	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
13	50787	Tall Timbers Utility Company, Inc. (20694 S)	NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	NewGen opinion that the compensation determination for the area subject to the Landowner's application for Expedited Decertification is zero dollars (\$0.00), with the exception that Liberty Utilities should be allowed to recover necessary and reasonable legal and professional fees as approved by the Commission.	Filed Motion of Abatement on 4/1/2021 stating parties have reached an agreement in principle on compensation and, in lieu of further pursuing the appraisal process, will coordinate to memorialize the details of their agreement in writing.
14	51044	Rockett Special Utility District (10099 W)	Willdan Financial Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Willdan opinion that the compensation determination for the area subject to the Landowner's application for Expedited Decertification is zero dollars (\$0.00), with the exception that Rockett Special Utility District should be allowed to recover necessary and reasonable legal and professional fees as approved by the Commission.	No Compensation due.
15	51166	SWWC Utilities, Inc. (11978 W and 20650 S)	DGRA, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	\$ -	\$ 10,000	Only value is for necessary and reasonable legal expenses and professional fees. However, this is an estimate as no expense information was provided to the appraiser.	No Compensation due.

Appendix B
Schedule 1
Selected Appraisal Reports Summary for Decertified CCN Parcels

Trans. No.	Control No.	CCN Holder (CCN No.)	Appraiser	Value for Factor: (1)									Notes	Final Commission Order (if any)
				A	B	C	D	E	F	G	H	Total		
16	51595	Rockett Special Utility District (10099 W)	Willdan Financial Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Willdan opinion that the compensation determination for the area subject to the Landowner's application for Expedited Decertification is zero dollars (\$0.00), with the exception that Rockett Special Utility District should be allowed to recover necessary and reasonable legal and professional fees as approved by the Commission.	No Compensation due.
17	51824	Town of Little Elm (11202 W)	Willdan Financial Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Kimley-Horn's Valuation Report showed \$0 value	No Compensation due.
18	51933	CC Water Works Inc. (13038 W)	B & D Environmental, Inc.	\$ -	\$ -	\$ -	\$ -	\$ 202,741	\$ -	\$ 17,440	\$ -	\$ 220,181		Commission ordered \$11,435 for legal expenses and professional fees.
18			Malone Wheeler, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500	\$ -	\$ 2,500	Only value is for necessary and reasonable legal expenses and professional fees, which they valued at \$2,500.	
18			NewGen Strategies & Solutions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,435	\$ -	\$ 11,435	Only value is for necessary and reasonable legal expenses and professional fees, which is currently \$11,435.	
19	51933	H-M-W Special Utility District (10342 W)	Stanton Park Advisors LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,549,000	\$ 6,549,000	Appraiser did not follow the standard approach based on the code, but rather provided an appraisal of the potential lost profits if HMW SUD had been able to provide service to the property.	Commission ordered \$648 for debt service.
19			NewGen Strategies & Solutions	\$ 648		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 648	NewGen identified a portion of debt service as well as necessary and reasonable legal expenses and professional fees, for which they did not provide a value.	
19			B & D Environmental, Inc.	\$ 648	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 648	B&D Environmental, Inc. opinion that the compensation determination for the area subject to the Landowner's application for Expedited Decertification is \$648 related to debt services, together with the exception that HMW SUD should be allowed to recover necessary and reasonable legal and professional fees as approved by the Commission.	
20	52090	Dobbin Plantersville Water Supply Corporation (11052 W)	NewGen Strategies & Solutions	\$ 9,719	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,763	\$ -	\$ 18,482	NewGen identified a portion of debt service associated with a USDA Rural Development Loan as well as necessary and reasonable legal expenses and professional fees, for which they provided a value of \$8,763.	No Compensation due, since CCN Holder did not file an Appraisal Report.

Notes: (1) Value Factors shown above include:

- A The amount of the retail public utility's debt allocable for service to the area in question.
- B The value of the service facilities of the retail public utility located within the area in question.
- C The amount of any expenditures for planning, design, or construction of service facilities that are allocable to service to the area in question.
- D The amount of the retail public utility's contractual obligations allocable to the area in question.
- E Any demonstrated impairment of service or increase of cost to consumers of the retail public utility remaining after the decertification.
- F The impact on future revenues lost from existing customers.
- G Necessary and reasonable legal expenses and professional fees.
- H Other Relevant Factors.

Appendix B
Schedule 2
Summary Value Results for Decertified CCN Parcels

Control No.	CCN W	CCN S	CCN Holder	Petitioner/Service Provider	Year	Price	Acres Decertified	Notes
44555		20694	Tall Timbers Utility Company, Inc.	Tyler Oak Creek Development, LLC/ City of Tyler	6/19/2015	\$ -	129.09	NewGen Valuation Report showed \$0 value.
45244	13201	21059	Aqua Texas, Inc	SLF IV-114 Assemblage, L.P./City of Fort Worth	12/10/2015	\$ -	1,102.00	NewGen preliminary value \$0
45292	11916	20629	Suetrak USA Company, Inc.	City of Fort Worth	1/7/2016	\$ -	1,102.00	NewGen Valuation Report showed \$0 value.
45450	13201		Aqua Texas, Inc	Smiley Road, Ltd./ Mustang Special Utility District's (Mustang SUD)	3/14/2016	\$ -	111.00	NewGen Valuation Report showed \$0 value. However, it stated if compensation was to be made it should be \$541.96.
45462	13201		Aqua Texas, Inc	Smiley Road, Ltd./ Mustang Special Utility District's (Mustang SUD)	3/14/2016	\$ -	899.00	NewGen Valuation Report showed \$0 value. However, it stated if compensation was to be made it should be \$4,340.54.
45702		20973	Green Valley Special Utility District	City of Cibolo	1/18/2018	\$ -	1,694.00	NewGen preliminary value \$0
45956		20973	Green Valley Special Utility District	City of Schertz	11/17/2017	\$ -	405.00	NewGen preliminary value \$0
46120	10908		Mountain Peak Special Utility District	City of Midlothian	11/17/2017	\$ -	97.70	Initial case was 44394.
46140	10456		Kempner Water Supply Corporation	City of Lampasas	8/10/2017	\$ -	149.00	No compensation due.
50077	13203	21065	Aqua Texas, Inc	Kristin Calfee Bybee	7/31/2020	\$ 4,250.00	25.60	No appraisal report. Only settlement agreement.
50109	13203	21065	Aqua Texas, Inc	Carol C. Van Alstyne	7/17/2020	\$ 4,000.00	25.30	NewGen Valuation Report showed \$0 value.
50258		20586	UA Holdings 1994-5, LP	Clay Road 628 Development, LP	6/18/2020	\$ -	194.00	NewGen Valuation Report showed \$0 value.
50260	13259		Simply Aquatics, Inc	Clay Road 628 Development, LP	7/29/2020	Confidential	5.50	No appraisal report. Confidential settlement amount.
50464		20694	Tall Timbers Utility Company, Inc.	Cooper Empire, LLC,	9/8/2020	\$ 32,000.00	27.00	No appraisal report. Only settlement agreement.
50495	20075		City of Lakewood Village	The Sanctuary Texas LLC	3/23/2021	\$ -	70.13	Kimley Horn Valuation Report showed \$0 value.
51044	10099		Rockett Special Utility District	FCS Lancaster, Ltd.	4/20/2021	\$ -	156.00	Willdan Financial Services preliminary value \$0.
51114	13202	21065	Aqua Texas, Inc	Imperial Heights, Ltd.	2/2/2021	\$ 8,500.00	36.40	No appraisal needed as settlement agreement between the 2 parties.
51150	10908		Mountain Peak Special Utility District	DJD Land Partners LLC	3/8/2021	Confidential	65.53	No appraisal report. Confidential settlement amount.
51163	13201		Aqua Texas, Inc	Olex (United States), Inc. fka Olex Corporation NV	4/29/2021	\$ 5,500.00	234.39	No appraisal report. Only settlement agreement.
51166	11978	20650	SWWC Utilities, Inc.	Colorado River Project, LLC	5/26/2021	\$ -	1,322.36	DGRA, Inc. appraisal only necessary and reasonable legal expenses and professional fees (estimate \$10,000).
51349		20465	Gulf Coast Waste Disposal Authority	David Speer and Kevin Speer	1/8/2021	\$ -	36.17	No appraisal report. No compensation due.
51352	12037		Crest Water Company	Carnegie Development, LLC	7/30/2021	\$ 3,000.00	195.47	No appraisal report. Only settlement agreement.
51367	10284		West Wise Special Utility District	Destiny Development, LLC, on behalf of Cyd Bailey	2/18/2021	Confidential	31.14	No appraisal report. Confidential settlement amount.
51400	12391		G&W Water Supply Company u	RCR Hempstead Rail, LP	6/16/2021	\$ 20,000.00	137.04	No appraisal report. Only settlement agreement.
51423	10294		Aqua Water Service Corporation	West Bastrop Village, Ltd	2/10/2021	\$ -	347.90	No appraisal report. No compensation due.
51455	12892		T&W Water Service Company	Clay Road 628 Development, LP	5/10/2021	Confidential	269.00	No appraisal report. Confidential settlement amount.
51492	13201		Aqua Texas, Inc.	Denton 114 LP	6/18/2021	\$ 3,000.00	90.55	No appraisal report. Only settlement agreement.
51595	10099		Rockett Special Utility District	Compass Datacenters DFW III, LLC	4/8/2022	\$ -	149.34	Willdan Financial Services preliminary value \$0. Rockett did not file an appraisal. No compensation due.

Appendix B
Schedule 2
Summary Value Results for Decertified CCN Parcels

Control No.	CCN W	CCN S	CCN Holder	Petitioner/Service Provider	Year	Price	Acres Decertified	Notes
51698	12887		MSEC Enterprises, Inc.	Tri Pointe Homes Texas, Inc.	6/18/2021	\$ 7,327.00	125.08	No appraisal report. Only settlement agreement.
51799	10081		Johnson County Special Utility District	WUSF 5 Rock Creek East, LP and Walton Texas, LP	11/1/2021	\$ 20,000.00	833.00	No appraisal report. Only settlement agreement.
51824	11202		Town of Little Elm	Sam Hill Venture	8/24/2021	\$ -	14.50	Kimley-Horn Valuation Report showed \$0 value.
51842		21116	Aqua Texas, Inc.	Central Texas Airport, LLC, Hinsvark Family Trust	3/10/2022	\$ 4,800.00	269.69	No appraisal report. Only settlement agreement.
51933	13038		C C Water Works, Inc.	Montgomery Estates, LLC	2/16/2022	\$ 11,435.00	98.90	Commission Appraiser NewGen Appraisal only necessary and reasonable professional fees.
51939		20465	Gulf Coast Authority	NPH Market Street, LLC	7/16/2021	\$ -	134.09	No appraisal report. No compensation due.
51973	10342		H-M-W Special Utility District	The Mohnke Living Trust, et al.	3/21/2022	\$ 648.00	99.00	Commission Appraiser B&D Environmental, Inc. only debt service and necessary and reasonable professional fees.
52004	13203		Aqua Texas, Inc.	DPSFLP Ltd.	11/5/2021	\$ 8,000.00	303.00	No appraisal report. Only settlement agreement.
52036	11844		New Progress Water Supply Corporation	Calhoun Acres, LP	9/24/2021	\$ -	150.00	No appraisal report. No compensation due.
52038	11029		Creedmoor-Maha Water Supply Corporation	Capital Land Investments I, LP	2/2/2022	\$ 45,000.00	350.67	No appraisal report. Only settlement agreement.
52090	11052		Dobbin Plantersville Water Supply Corporation	Redbird Development, LLC	4/11/2022	\$ -	388.50	NewGen Valuation Report showed \$18,482 value for debt service and necessary and reasonable professional fees. Commission ruled no compensation due.
52148	11615		City of Cut and Shoot	Stoecker Corp	9/15/2021	\$ -	29.99	No appraisal report. No compensation due.
52160	10081		Johnson County Special Utility District	Sewell Family Partnership	10/27/2021	\$ 75,000.00	293.50	No appraisal report. Only settlement agreement.
52256	11029		Creedmoor-Maha Water Supply Corporation	Gateway Oasis V LLC	11/17/2021	Confidential	397.00	No appraisal report. Only settlement agreement.
52336	11844		New Progress Water Supply Corporation	Calhoun Acres, LP	10/25/2021	\$ -	92.58	No appraisal report. No compensation due.
52474	10420		Polonia Water Supply Corporation	Neimann Farm Partners, LP	1/12/2022	\$ -	205.30	No appraisal report. No compensation due.
52566		20465	Gulf Coast Authority	Montgomery Estates, LLC	2/18/2022	\$ -	147.00	No appraisal report. No compensation due.
52621	10089		Bethesda Water Supply Corporation	Parks of Village Creek, LLC	2/3/2022	\$ 1,000.00	102.00	No appraisal report. Only settlement agreement.
52642	11612	20952	Quadvest, LP	CR Farms, LLC	3/3/2022	\$ -	64.21	No appraisal report. No compensation due.

Appendix C

Dan V. Jackson. M.B.A.

Vice President and Principal in Charge

Mr. Jackson has 35 years of experience as an international financial expert, having completed more than 400 water, wastewater, electric, gas, solid waste and stormwater rate/cost of service studies and long-term financial plans for clients in the USA and the Pacific region. He also has served as an expert witness in state court, federal court and before several public utility commissions. Mr. Jackson's prior experience includes positions with Deloitte and Touche, Reed-Stowe & Company and Arthur Andersen. In 1997, Mr. Jackson co-founded Economists.com LLC, an international consulting firm with offices in Dallas and Portland, Oregon. Willdan acquired Economists.com in 2015, and Mr. Jackson now serves as Vice President and Managing Principal. Mr. Jackson has given dozens of lectures and presentations before professional associations. He is also an accomplished author; his award-winning novel **Rainbow Bridge** is now available in bookstores and on Amazon.com and bn.com.

His experience is summarized below.

Water/Wastewater – Rate Studies and Long-Term Financial Plans for which Mr. Jackson served as Project Manager

Dallas/Fort Worth

▪ Allen, TX	2007, 2009, 2012,2016
▪ Balch Springs, TX	2017,2021
▪ Cedar Hill, TX	2016, 2018
▪ Celina, TX	2014, 2018, 2019,2020,2021
▪ Coppell, TX	2017,2020,2021
▪ Denton County FWSD 1A, TX	2017
▪ Denton County FWSD 8C, TX	2018
▪ DeSoto, TX	2005 -- 2019
▪ Duncanville, TX	2002, 2003, 2007, 2013, 2014, 2018
▪ Fairview, TX	2016, 2018
▪ Ferris, TX	2020
▪ Frisco, TX	2017
▪ Garland, TX	2009 –2012
▪ Grand Prairie, TX	2019,2020
▪ Hackberry, TX	2006
▪ Heath, TX	2020
▪ Hutchins, TX	2017,2019
▪ Kaufman, TX	1994
▪ Little Elm, TX	2001, 2004,2008-2016
▪ McKinney, TX	2010, 2016, 2019
▪ Mesquite, TX	2018
▪ Midlothian, TX	2000, 2003, 2006, 2010 2016,2021
▪ Oak Point, TX	2006, 2011
▪ Parker, TX	2016
▪ Plano, TX	2017,2020
▪ Princeton, TX	2012
▪ Prosper, TX	2005, 2016, 2018
▪ Richardson, TX	2016
▪ Rowlett, TX	2009, 2017, 2019,2021

Education

*Master of Business
Administration,
University of Chicago,
1984;
Specialization in
Finance/Accounting*

*Bachelor of Arts,
University of Chicago,
1982; Major in Social
Sciences
Dean's Honor List*

Areas of Expertise

*Rate Design
Cost of Service
Financial Forecasting
Valuation Analysis
Acquisition Analysis
Privatization Analysis
Economic Impact Analysis
Expert Witness Testimony*

Affiliations

*Member, American
Water Works Association

National Association for
Business Economics*

Other

*The Forgotten Men
(fiction) – Mediaguruz

Rainbow Bridge – Fiction
– Mirador Publishing*

36 Years' Experience

D. Jackson <i>Resume Continued</i>	▪ Royse City, TX	2007, 2011,2018
	▪ Rockwall, TX	2018
	▪ Sachse, TX	2014
	▪ Sherman, TX	2021
	▪ Venus, TX	2005, 2012
	▪ Waxahachie, TX	2012
	<u>State of Texas</u>	
	▪ Alamo Heights, TX	2018
	▪ Amarillo, TX	2017
	▪ Aqua Water Supply Corporation, TX	2003
	▪ Brownsville PUB, TX	2020,2021
	▪ Brady, TX	2016
	▪ Castroville, TX	2016,2018
	▪ Cibolo Creek Municipal Authority	2012, 2015
	▪ Del Rio, TX	2020,2021
	▪ Donna, TX	2007, 2011, 2012, 2013,2015-2020
	▪ El Paso County WCID #4, TX	2005, 2007, 2010, 2011, 2015,2019
	▪ El Paso County Tornillo WCID, TX	2006, 2010
	▪ Galveston, TX	2020
	▪ Groesbeck, TX	2001, 2004
	▪ Harker Heights, TX	2006
	▪ Hewitt, TX	2009 – 2015, 2021
	▪ Hondo, TX	2019
	▪ Jonah Special Utility District, TX	2006
	▪ Kempner WSC, TX	2014-2015
	▪ Laredo, TX	2018,2019
	▪ Laguna Madre Water District, TX	1991-1999, 2005, 2014, 2018,2020
	▪ La Villa, TX	2007
	▪ Leander, TX	2017-2018, 2020,2021
	▪ League City, TX	2019
	▪ Liberty Hill, TX	2018,2019
	▪ Los Fresnos, TX	2007,2017
	▪ Marble Falls, TX	2020
	▪ McLendon-Chisholm, TX	2019
	▪ Mercedes, TX	2001, 2003
	▪ New Braunfels, TX	2019
	▪ North Fort Bend Water Authority, TX	2011, 2016,2020
	▪ Paris, TX	1995
	▪ Port Arthur, TX	2020
	▪ Port of Houston Authority, TX	2001
	▪ Primera, TX	2021
	▪ Raymondville, TX	2001
	▪ Robinson, TX	2012, 2014, 2015
	▪ Robstown, TX	2014, 2015
	▪ San Juan, TX	2019
	▪ Schertz, TX	2012 – 2019
	▪ Seguin, TX	2015 -- 2020
	▪ Selma, TX	2018
	▪ Schertz-Seguin Local Govt Corporation, TX	2009 – 2021
	▪ Sonora, TX	2012
	▪ Southmost Regional Water Authority, TX	2001

D. Jackson
Resume Continued

▪ Tomball, TX	2018
▪ Troup, TX	2006
▪ Venus, TX	2005, 2012
▪ West Harris County Regional Water Auth, TX	2003, 2006, 2010, 2011,2016
▪ Webb County, TX	2011
▪ Whitehouse, TX	2008
▪ Winona, TX	2009
▪ Yancey Water Supply Corporation, TX	2005
 <u>Arizona</u>	
▪ Bisbee, AZ	2000 – 2005, 2018
▪ Buckeye, AZ	2013, 2015, 2016
▪ Camp Verde Sanitary District, AZ	2006, 2008
▪ Carefree, AZ	2018
▪ Casa Grande, AZ	2009
▪ Chino Valley, AZ	2010-2018
▪ Chloride Domestic Water Imp District, AZ	2003
▪ Clarkdale, AZ	2005
▪ Clifton, AZ	2018
▪ Cottonwood, AZ	2004, 2007, 2009
▪ Douglas, AZ	2009, 2011
▪ Eagar, AZ	2006, 2011, 2012
▪ Eloy, AZ	2007, 2011-2013
▪ Florence, AZ	2008, 2012
▪ Flowing Wells Improvement District, AZ	2008
▪ Goodyear, AZ	2014, 2015,2019-2020
▪ Holbrook, AZ	2004
▪ Jerome, AZ	2019
▪ Marana, AZ	2008 – 2013, 2016
▪ Miami, AZ	2010 – 2012, 2015
▪ Nogales, AZ	2011, 2015-2016, 2018
▪ Patagonia, AZ	1999, 2002
▪ Payson, AZ	2006, 2010, 2012-2014,2019,2020
▪ Prescott, AZ	2008
▪ Quartzsite, AZ	2004, 2009, 2011, 2012, 2018
▪ Queen Creek, AZ	2004, 2007, 2015, 2016
▪ Safford, AZ	2006
▪ San Luis, AZ	2002, 2012, 2013, 2017, 2018,2021
▪ Show Low, AZ	2011, 2014
▪ Somerton, AZ	1999, 2002, 2005-2010,2018
▪ Tombstone, AZ	2001
▪ Tonto Village DWID, AZ	2018
▪ Wellton, AZ	2003
▪ Willcox, AZ	2002
▪ Winslow, AZ	2016, 2018
▪ Yuma, AZ	2007, 2014, 2015, 2018
 <u>USA</u>	
▪ North Chicago, IL	2001,2005
▪ Ada, OK	2014, 2015,2018
▪ Altus, OK	2020
▪ Chickasha, OK	2016

D. Jackson <i>Resume Continued</i>	▪ Edmond, OK	2010, 2015,2017,2018
	▪ Miami, OK	2009, 2014,2017
	▪ Pryor, OK	2016
	▪ Bryant, AR	2020
	▪ Hot Springs, AR	2005, 2009-2020
	▪ North Little Rock Wastewater Utility, AR	1999, 2003, 2006, 2011-2015
	▪ Russellville, AR	2013,2014,2015,2019
	▪ Sarpy County, NE	2018
	▪ South Adams County WSD, CO	2013

Solid Waste and Stormwater – Rate Studies and Long-Term Financial Plans

▪ Balch Springs,TX	2021
▪ Coppell, TX	2020
▪ Duncanville, TX	2007
▪ Frisco, TX	2017
▪ Hewitt, TX	2010
▪ Mercedes, TX	1999
▪ San Luis, AZ	2003, 2013
▪ Somerton, AZ	2006
▪ San Marcos, TX	2018
▪ Goodyear, AZ	2020
▪ Hot Springs, AR	2011, 2012, 2013, 2016
▪ Miami, OK	2009

Water/Wastewater –CCN/ System Valuations and Acquisitions

▪ Avondale, AZ	2006
▪ Bullhead City, AZ	2020
▪ Buckeye, AZ	2013-2015
▪ Casa Grande, AZ (private)	2015
▪ Chino Valley, AZ	2006, 2016,2018
▪ Cottonwood, AZ	2009, 2012
▪ Clarksdale, AZ	2009
▪ Florence, AZ	2007, 2014
▪ Marana, AZ	2009, 2010
▪ Pine Strawberry Water Imp District, AZ	2009
▪ Prescott, AZ	2006
▪ Prescott Valley, AZ	1998
▪ Queen Creek, AZ	2008, 2011
▪ Show Low, AZ	2010, 2011
▪ Aubrey, TX	2015
▪ Arlington, TX	1999, 2001
▪ Celina, TX	2006, 2015
▪ Forney Lake WSC, TX	2016
▪ Gunter, TX	2006
▪ Kempner WSC, TX	2016
▪ FCS Lancaster,TX	2021
▪ Taylor, TX	1999

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▪ Whitehouse, TX	2006
▪ Van Alstyne, TX	2019
▪ Rockwall, TX	2005
▪ Trinity Water Reserve, TX	2000
▪ North Chicago, IL	2001
▪ North Little Rock WWU, AR	2015

Water/Wastewater – Impact Fee Studies

▪ East Medina County Special Utility District, TX	2000
▪ Cibolo Creek Municipal Authority, TX	2015
▪ Harlingen, TX	2005
▪ Laguna Madre Water District, TX	1993, 1996, 2000, 2003
▪ Liberty Hill, TX	2019
▪ Los Fresnos, TX	2006
▪ Mesquite, TX	1996
▪ Seguin, TX	2015,2020
▪ San Luis, AZ	2002
▪ Marana, AZ	2011- 2014
▪ Wellton, AZ	2003
▪ Prescott, AZ	2007
▪ Yuma, AZ	2004, 2007, 2016
▪ Hot Springs, AR	2005, 2009, 2016

International Regulated Utilities – Pacific and Caribbean

▪ Water Authority of Fiji	2016,2019
▪ Palau Public Utilities Corporation	2018
▪ Kiribati Public Utilities Board	2019,2020
▪ EPC, Independent State of Samoa	2013
▪ Commonwealth Utilities Corporation Saipan	2005-2021
▪ American Samoa Power Authority	2009,2014,2016
▪ Guam Power Authority	2011
▪ Virgin Islands Telephone Company	1990-1991

Expert Witness Testimony

City of Arlington, TX – Seven separate cost of service analyses and testimony in wholesale contract rate proceedings before TNRCC. Largest ongoing wastewater rate dispute in Texas history, 1990-1994.

Cameron County Fresh Water Supply District No. 1 vs. Town of South Padre Island (TNRCC Docket 30346-W) – Expert testimony on reasonableness of rate structure, 1992.

Cameron County Fresh Water Supply District No. 1 vs. Sheraton Hotel/Outdoor Resorts (TNRCC Docket 95-0432-UCR) – Expert testimony on reasonableness of rate structure, 1993.

Laguna Madre Water District (PUC Docket 49154) – Expert testimony on the reasonableness of the District’s raw water rate -- 2019.

City of Celina, TX (SOAH Docket 2003-0762-DIS) – Expert testimony on the proposed creation of a Municipal Utility District, 2004.

City of Celina, TX (PUC Docket No. 49225) – Expert testimony on the reasonableness of outside city limit rates – 2020.

East Medina County Special Utility District (SOAH Docket 582-02-1255) – Expert testimony on CCN application, 2003.

East Medina County Special Utility District (SOAH Docket 582-04-1012) – Expert testimony on CCN application, 2004.

City of Karnes City, TX – Expert testimony on valuation of CCN before the Texas Commission on Environmental Quality, 2009.

City of Princeton, TX (SOAH Docket 582-06-1641 and TCEQ Docket 2006-0044-UCR) – Expert testimony on ability to serve proposed service territory, 2007.

Town of Little Elm, TX (SOAH Docket 582-01-1618) – Expert testimony on reasonableness of rate structure, 2001.

Schertz Seguin Local Government Corporation – Expert testimony addressing application of San Antonio Water System for groundwater permits for Gonzalez County UWCD, 2009.

City of Ruidoso, NM – Expert testimony on reasonableness of Wastewater Rates, 2010.

City of Hot Springs, AR – Expert witness testimony on Reasonableness of Stormwater Rates, 2010.

Dallas County Water Control and Improvement District No. 6 (TNRCC Docket 95-0295-MWD) – Hearing on the merits for proposed wastewater treatment plant permit, 1995.

Commonwealth Utilities Corporation Saipan -- Expert testimony before Commonwealth Public Utilities Commission on reasonableness of rate structure, 2010-2015.

City of Mesquite, Texas vs. Southwestern Bell Telephone Company (No. 3-89-0115-T, U.S. Federal Court Northern Texas) -- 18 year estimate of revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies and Discovery disputes, 1991-1995.

City of Port Arthur, et. al., vs. Southwestern Bell Telephone Company (No. D-142,176, 136th Judicial District Court of Beaumont, Texas) -- 20 year estimate of revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies. 1993-1995.

Southwestern Bell Telephone Company vs. City of Arlington, Texas (No. 3:98-CV-0844-X, U.S. Federal Court Northern Texas) -- 15 year estimate of access revenues excluded from municipal franchise fees by SWB. Expert testimony on SWB accounting and franchise policies, 1996.

Metro-Link Telecom vs. Southwestern Bell Telephone Company (No. 89-CV-0240, 56th Judicial District Court Galveston County Texas) -- 20 year pro forma model calculating lost revenue from the cancellation of a trunk line leasing contract.

Complaint of the City of Denton against GTE Southwest, Inc. (PUC Docket 14152), 1994.

GTE vs. City of Denton (No. 95-50259-367, 367th Judicial District Court of Denton County, Texas) -- 10 year estimate of revenues excluded from municipal franchise fees by GTE, 1994-1996.

MAS vs. City of Denton, Texas (No. 99-50263-367, Judicial District Court of Denton County, Texas) – Testimony on reasonableness of franchise fee payment calculations.

Water/Wastewater – Other Studies

City of Paris, TX – Campbell's Soup Co. wholesale contract review/negotiations.

City of Conroe, TX – Evaluation of proposed long-term wholesale contract.

Cities of Bellmead, Woodway and Hewitt, TX – Least cost alternative analysis and assistance with

wholesale contract negotiations with City of Waco.

City of Lubbock, TX – Analysis of reasonableness of rates for Franklin Water System, January 2002.

City of Rockwall, TX – Wholesale contract review, 2005.

City of Miami, OK – Non-rate revenue study, 2010.

Town of Payson, AZ – Financial feasibility and economic impact study of C.C. Cragin Reservoir, 2011.

City of Duncanville, TX – Water and wastewater cost allocation study, 2002.

City of Whitehouse, TX – Economic analysis of potential acquisition of a water supply corporation, 2006.

City of Midlothian, TX – Drought management plans, 2001.

City of Midlothian, TX – Assistance with wholesale contract negotiations, 2000-2001.

City of Arlington, TX – Cost of service study for non water/sewer revenues, 1997.

City of Arlington, TX – Lease vs. purchase analysis of city fixed assets, 1998.

City of Donna, TX – Water and wastewater affordability analysis, 2005.

Southmost Regional Water Authority – Economic and financial impact of proposed desalination treatment plant, 2001.

Texas Water Development Board Region M – Financial feasibility analysis of water resource alternatives, 2006.

Laguna Madre Water District – Lost/unaccounted for water study, 1992.

Schertz Seguin Local Government Corporation – Assistance in contract negotiations with SAWS, 2010.

California-American Water Company – Reasonableness of rate structure for City of Thousand Oaks, 2003.

California-American Water Company – Reasonableness of rate structure for City of Felton, 2004.

Forsyth County, GA – Business plan with extensive recommendations for managing unprecedented growth in volume and customer connections. Ten-year projection of operating income, 1998.

City of Lakeland, FL – Valuation of wastewater reuse alternatives over 20-year timeframe.

Border Environment Cooperation Commission and City of Bisbee, AZ – Wastewater system improvements plan, 2003.

Water Infrastructure Finance Authority of Arizona – Evaluation of 40-year wastewater construction financing plan for Lake Havasu City, 2002.

Water Infrastructure Finance Authority of Arizona – Comprehensive residential water and wastewater rate survey for the state of Arizona, 2004-2008.

City of Plano, TX – evaluation of long-term contract with North Texas Municipal Water District, 2015-2020.

Regulated Utilities – USA

City of Miami, OK – Electric, water and wastewater and electric rate study, 2006.

Bonneville Power Administration ---Participation in Average System Cost (ASC) program, including proposed changes in ASC methodology, 1988-1990.

Houston Lighting & Power -- Feasibility/Prudence analysis of South Texas Nuclear Project vs. alternate forms of energy. Analysis formed the basis of partner's expert testimony before the Public Utility Commission of Texas, 1988.

Kansas Power & Light – Analysis of proposed merger with two separate companies, 1988.

Greenville Electric Utility System- Development of short-term cash investment policy in accordance with state law, 1989.

Horizon Communications– Business plan development, 2000.

City of Mercedes, TX – Economic Impact of New City Projects, 2000.

Telecommunications

City of Dallas, TX – Forecast of economic and financial construction and non-construction damages resulting from franchise's failure to fulfill terms of agreement, 2004

City of Dallas, TX ---Financial evaluation and forecast of alternative wireless services contracts, 2005.

City of Dallas, TX --Evaluation and advice concerning VOIP contract with SBC, 2003

Voice Web Corporation-- Financial forecast and strategic plan for CLEC development, 2001

United Telephone of Ohio -- Pro forma forecast model forecasting the impact on financial statements of proposed changes in state telecommunications regulatory structures. Model was used as the basis for privatization bids for Argentine and Puerto Rican Telephone Companies, 1988.

Bonneville Power Administration – Evaluation and financial forecast of long-term fiber optic leasing operation, 1999.

Bonneville Power Administration – Economics of Fiber Analysis, 1999.

City of Portland, Oregon –Municipal Franchise Fee Review, 2000.

US West, Inc. – Valuation study and financial forecast of headquarters operation. Used as basis for Partner's allocated cost testimony before the Public Utility Commission in Washington and Utah.

Star-Tel -- Estimate of revenues lost due to rival's unfair business practices, 1995.

Cities of Denton and Carrollton, Texas -- Review of municipal franchise fee payments by GTE, 1994-1996.

Winstar Gateway Network -- forecast of average lifespan per ANI for specific customer classes.

Advisory Commission on State Emergency Communications -- Review of E911 Equalization Surcharge Payments by AT&T, ATC Satelco, and Lake Dallas Telephone Company.

Northern Telecom -- Projection of potential revenue generated from the long-term lease of DMS-100 switching units to Pacific Bell.

Publications/Presentations/Seminars

- ***The Forgotten Men (fiction)*** – Mediaguruz Publishing, 2012.
- ***Rainbow Bridge (fiction)*** – Mirador Publishing, 2020. Winner, 2021 Feathered Quill Silver Award for Animal-based literature.
- ***Raising Water and Wastewater Rates – How to Maximize Revenues and Minimize Headaches*** – Arizona Small Utilities Association, August 2002; Texas Section AWWA, April 2003
- ***Wholesale Providers and the Duty to Serve: A Case Study*** – Water Environment Federation, September 1996.
- ***Lease vs. Purchase – A Guideline for the Public Sector*** – Texas Town and City, March 1998•.
- ***An Introduction to Lease vs. Purchase*** – Texas City Managers Association – May 1998.
- ***Technische Universiteit Delft*** – Delft Netherlands -- Annual Infrastructure Conference – May 2000, 2001.
- ***The US Water Industry – A Study in the Limits of Privatization*** -- Technische Universiteit Delft – Delft Netherlands – March 2007.

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- *The New Information Economy: Opportunity or Threat to the Rio Grande Valley?* – Rio Grande Valley Economic Summit -- Oct 2000.
- *The Financial Benefits of Regionalization – A Case Study* – Texas Water Development Symposium – September 2010.
- *Developing Conservation Water Rates Without Sacrificing Revenue* – TWCA Conference, San Antonio Texas, October 2012.
- *Water Rates – Challenges for Pacific Utilities* – Pacific Water and Wastes Conference, American Samoa, September 2014.