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DOCKET NO. 50442

PETITION OF MM WALDEN POND, §  
LLC TO AMEND HIGH POINT WATER §  
SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN KAUFMAN §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS



**ORDER NO. 7  
UNABATING THE CASE AND ADOPTING A PROCEDURAL SCHEDULE**

In this matter, MM Walden Pond, LLC seeks streamlined expedited release of land it owns from High Point Water Supply Corporation's water CCN number 10841.

In Order No. 5 filed on March 30, 2020, the administrative law judge (ALJ) abated this case due to an issue raised in this case pertaining to possible federal preemption under 7 U.S.C. § 1926(b) and in keeping with the discussion of the Commissioners at the open meeting on November 14, 2019, involving the same federal preemption issue. In Order No. 6 filed on June 2, 2020, the ALJ extended the abatement pending resolution of *Crystal Clear Special Utility District v. DeAnn Walker, et. al.*<sup>1</sup> and *Green Valley Special Utility District v. City of Schertz*.<sup>2</sup>

In light of the Commission's general discussion of the abatement issue at its open meeting on November 5, 2020, and in light of the current status of the federal litigation cited above, this proceeding is no longer abated.

The following procedural schedule now applies in this case:

| Event   | Date              |
|---|-------------------|
| Deadline for High Point to file a response to the administratively complete petition and to file briefing addressing the current status of the federal litigation cited above and its impact on High Point's motion to dismiss filed on February 24, 2020 | November 20, 2020 |
| Deadline for Commission Staff to file a recommendation on final disposition and to file briefing addressing the current status of the federal litigation cited above and its impact on High Point's motion to dismiss filed on February 24, 2020          | December 4, 2020  |


<sup>1</sup> *Crystal Clear Special Utility District v. DeAnn Walker, et. al.*, No. 20-50043 (5th Cir. filed Jan. 16, 2020).

<sup>2</sup> *Green Valley Special Utility District. v. City of Schertz*, No. 18-51092 (5th Cir. filed Dec. 31, 2018).

|  |   |
|--|---|
| Deadline for petitioner to file a reply to both High Point's response and Commission Staff's recommendation on final disposition, and to file briefing addressing the current status of the federal litigation cited above and its impact on High Point's motion to dismiss filed on February 24, 2020 | December 11, 2020   |
| Sixty-day administrative approval of expedited release   | January 5, 2021   |
| <b><i>In the event expedited release is granted and the petitioner and High Point can select an agreed-upon appraiser</i></b>  |   |
| Deadline for petitioner and High Point to select an agreed-upon appraiser  | Within 10 days after the Commission approves expedited release              |
| Deadline for appraiser's report  | Within 70 days after the Commission approves streamlined expedited release  |
| Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to High Point  | Within 60 days after appraiser's report                                     |
| Deadline for the petitioner to pay any compensation due to High Point  | Within 90 days of Commission's final order on compensation                  |
| <b><i>In the event expedited release is granted and petitioner and High Point are unable to select an agreed-upon appraiser</i></b>  |   |
| Deadline for reports from the petitioner's appraiser and from High Point's appraiser   | Within 70 days after the Commission approves expedited release              |
| Deadline for Commission Staff's appraiser's report   | Within 100 days after the Commission approves streamlined expedited release |
| Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to High Point  | Within 60 days after Commission receives the final appraisal                |
| Deadline for the petitioner to pay any compensation due to High Point  | Within 90 days of Commission's final order on compensation                  |

Signed the 6th day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



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HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE

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