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**PETITION OF TYLER OAK CREEK §
DEVELOPMENT, LLC TO AMEND §
LIBERTY UTILITIES (TALL TIMBERS §
SEWER) CORP.'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
SMITH COUNTY BY EXPEDITED §
RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, Tyler Oak Creek Development, LLC's owes compensation of \$112,000 to Liberty Utilities (Tall Timbers Sewer) Corp. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Tall Timbers' service area under sewer certificate of convenience and necessity (CCN) number 20694. The Commission's determination on compensation is based on an agreement between Tyler Oak Creek and Tall Timbers.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Tyler Oak Creek is a Texas limited liability company registered with the Texas secretary of state under filing number 801875427.

CCN Holder

2. Tall Timbers is a Texas corporation registered with the Texas secretary of state under filing number 72436700.
3. Tall Timbers holds CCN number 20694 that obligates it to provide retail sewer service in its certificated service area in Smith County.

Petition

4. On April 24, 2020, the petitioner filed its petition for streamlined expedited release of its 47.939-acre tract from the CCN holder's sewer CCN number 20694.

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5. In an Order filed on December 17, 2020, the Commission granted the petition and released the petitioner's tract of land from the CCN holder's certificated service area under CCN number 20694.
6. Ordering paragraph seven of the December 17, 2020 Order stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 4 filed on July 16, 2020.

Appraisers and Appraisals

7. On February 24, 2021, Ballard and Braughton Engineering filed an appraiser's report on behalf of the petitioner.
8. On February 25, 2021, the CCN holder filed an appraiser's report.

Compensation

9. On May 28, 2021, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation and stated that they have executed a compensation settlement agreement.
10. In the agreement, the petitioner and the CCN holder have agreed that the petitioner should pay to the CCN holder \$112,000, as just and adequate compensation for the streamlined expedited release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.

5. Under 16 TAC § 24.245(i)(1), if the former CCN holder and landowner agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. The amount of \$112,000, agreed to by the petitioner and CCN holder, is just and adequate compensation for the release under TWC § 13.2541.
7. The Commission processed the petition in accordance with the TWC and Commission rules.

III. Ordering Paragraphs

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

1. The petitioner must pay to the CCN holder the agreed upon amount of \$112,000 within 90 days from the date of this Notice of Approval.¹
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 3rd day of June 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE

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¹ This implements the payment deadline mandated by TWC § 13.2541(j)(2) and 16 TAC § 24.245(i)(6). The parties are free to agree, via contract, to an alternative payment schedule.