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DOCKET NO. 51114

RECEIVED

PETITION OF IMPERIAL HEIGHTS, §
LTD. TO AMEND AQUA TEXAS, §
INC.'S CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
HARRIS COUNTY BY EXPEDITED §
RELEASE §

2021 FEB -2 AM 10:58
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, Imperial Heights, Ltd. owes compensation of \$8,500 to Aqua Texas, Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Aqua Texas's service areas under water certificate of convenience and necessity (CCN) number 13203 and sewer CCN number 21065. The Commission's determination on compensation is based on an agreement between Imperial Heights and Aqua Texas.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Imperial Heights is a limited partnership registered with the Texas secretary of state under filing number 803497557.

CCN Holder

2. Aqua Texas is a corporation registered with the Texas secretary of state under filing number 800304878.
3. Aqua Texas holds CCN number 13203 that obligates it to provide retail water service in its certificated service area in southeast Texas, including Harris County.
4. Aqua Texas holds CCN number 21065 that obligates it to provide retail sewer service in its certificated service area in southeast Texas, including Harris County.

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Petition

5. On July 24, 2020, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service areas under water CCN number 13202 and sewer CCN number 21065.
6. The Commission granted the petition and released the petitioner's tract of land from the CCN holder's certificated service areas.
7. In Order No. 2 filed on August 31, 2020, the administrative law judge stated that, if streamlined expedited release was granted, this docket would continue for the purpose of determining compensation, and set a schedule for making that determination.

Appraisers and Appraisals

8. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

9. On January 25, 2021, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation and stated that they have executed a Compromise and Settlement Agreement.
10. In the Compromise and Settlement Agreement, the petitioner and the CCN holder have agreed that the petitioner should pay to the CCN holder \$8,500, 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 \$8,500, 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 compensation in the amount of \$8,500 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 2nd day of February 2021.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.