

Control Number: 51158



Item Number: 13

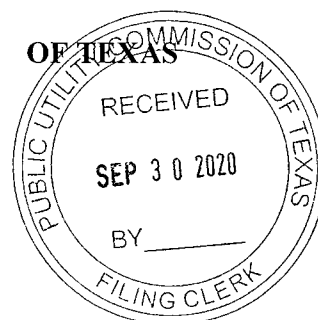
Addendum StartPage: 0

DOCKET NO. 51158

**PETITION OF JOHNSTON &
ASSOCIATES , LLP AND FRANK
CARVALHO TO AMEND MOUNTAIN
PEAK SPECIAL UTILITY DISTRICT'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN JOHNSON
COUNTY BY STREAMLINED
EXPEDITED RELEASE**

§
§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION



ORDER NO. 5

**FINDING PETITION ADMINISTRATIVELY COMPLETE AND NOTICE
SUFFICIENT, ESTABLISHING PROCEDURAL SCHEDULE, AND RESTYLING**

This Order addresses the August 11, 2020 petition of Johnston Legal Group and Frank Carvalho to amend Mountain Peak Special Utility District’s water certificate of convenience and necessity (CCN) in Johnson County by streamlined expedited release, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h).

On September 10, 2020, Commission Staff recommended that the petition be found administratively complete, notice sufficient, and that the docket be restyled to reflect that one of the two warranty deeds included in the application materials lists Johnston & Associates, LLP, rather than the Johnston Legal Group, as the grantee of the property that is the subject of the petition. Additionally, the affidavit of Michael Johnston, also included in the application materials, states that Johnston & Associates, LLP is the co-owner of the property.

On September 10, 2020, Mountain Peak objected to Commission Staff’s recommendation that the petition be found administratively complete and requested dismissal alleging that the petitioner is not the owner of the property that is the subject of the petition and that restyling the docket would not cure the defect in the petition.

On September 17 and 18, 2020, petitioners filed an amended petition and response, respectively, addressing the ownership issues by clarifying that the generic name of the Johnston Legal Group was inadvertently used in the petition instead of the formal legal name of Johnston & Associates, LLP.

On September 24, 2020, Commission Staff filed a response to Order No. 3 maintaining its positions regarding administrative completeness and restyling of the petition.

The administrative law judge finds the first amended petition administratively complete and notice sufficient.

Under the provisions of TWC § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, if streamlined expedited release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for Mountain Peak SUD and intervenors to file a response to the administratively complete petition	October 20, 2020
Deadline for Commission Staff's recommendation on final disposition	October 27, 2020
Deadline for petitioner to file a reply to both Mountain Peak SUD's response and Commission Staff's recommendation on final disposition	November 3, 2020
Sixty-day administrative approval of expedited release	November 30, 2020
<i>In the event expedited release is granted and the petitioner and Mountain Peak SUD can select an agreed-upon appraiser</i>	
Deadline for petitioner and Mountain Peak SUD 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 Mountain Peak SUD	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to Mountain Peak SUD	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and petitioner and Mountain Peak SUD are unable to select an agreed-upon appraiser</i>	
Deadline for reports from the petitioner's appraiser and from Mountain Peak SUD'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 Mountain Peak SUD	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to Mountain Peak SUD	Within 90 days of Commission's final order on compensation

This docket is restyled as reflected in this Order.

Signed at Austin, Texas the 30 day of September 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



KATIE MOORE
ADMINISTRATIVE LAW JUDGE