



Control Number: 51163



Item Number: 26

Addendum StartPage: 0

DOCKET NO. 51163

**PETITION OF OLEX (UNITED
STATES), INC., FKA OLEX
CORPORATION NV TO AMEND AQUA
TEXAS, INC.'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
DENTON COUNTY BY EXPEDITED
RELEASE**

§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION 2021 APR 03 PM 9:54
OF TEXAS

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

In this Notice of Approval, the Commission determines, for the streamlined expedited release granted in this docket, that Olex (United States), Inc. fka Olex Corporation NV owes compensation of \$5,500 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 area under water certificate of convenience and necessity (CCN) number 13201.¹ The Commission's determination on compensation is based on an agreement between Olex and Aqua Texas.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Olex is a Delaware corporation registered with the Texas secretary of state under filing number 7747306.

CCN Holder

2. Aqua Texas is a Texas corporation registered with the Texas secretary of state under filing number 0800304878.
3. Aqua Texas holds water CCN number 13201 that obligates it to provide retail water service in its certificated service area in Denton County.

¹ Order Granting Streamlined Expedited Release (Mar. 5, 2021).

200

Petition

4. On August 13, 2020, the petitioner filed a petition for streamlined expedited release of a portion of a tract of land from CCN holder's service area under water CCN number 13201.
5. The Commission granted the petition and released the petitioner's tract of land from the CCN holder's certificated service area.
6. In Order No. 5 filed on November 30, 2020, the administrative law judge (ALJ) 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

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

Compensation

8. On April 27, 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.
9. In the Compromise and Settlement Agreement, the petitioner and the CCN holder have agreed that the petitioner should pay to the CCN holder \$5,500, 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 \$5,500, 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.

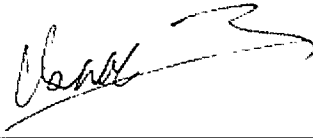
III. Ordering Paragraphs

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 the agreed upon amount of \$5,500 within 90 days from the date of this Notice of Approval.²
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 29th day of April 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



**ISAAC TA
ADMINISTRATIVE LAW JUDGE**

q:\cadm\doCKET management\water\ccn_expedited\51xxx\51163 compensation noa.docx

² This implements the payment deadline mandated by 16 TAC § 24.245(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.