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**DOCKET NO. 51166**

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**PETITION OF COLORADO RIVER  
PROJECT, LLC TO AMEND SWWC  
UTILITIES, INC. DBA HORNSBY  
BEND UTILITY'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
TRAVIS COUNTY BY EXPEDITED  
RELEASE**

**§ PUBLIC UTILITY COMMISSION: 06**

**OF TEXAS**

**ORDER NO. 10  
ADDRESSING PENDING MOTIONS**

Having carefully considered the applicable law and the various motions, pleadings, and briefs filed by the parties during the period from March 26 through April 9, 2021, the administrative law judge finds and orders as follows:

- Colorado River Project, LLC's Engineering Valuation Letter (appraisal report) was filed on March 25, 2021, which was the 70th day after the date the Commission granted streamlined expedited release in this case;
- SWWC Utilities, Inc. dba Hornsby Bend Utility's Appraisal of Adequate & Just Compensation (appraisal report) was filed on March 26, 2021, which was the 71st day after the date the Commission granted streamlined expedited release in this case;
- The fact that SWWC's appraisal report was filed on the 71st day has not unreasonably delayed the process for determining the amount of compensation that may be due in this proceeding and has not prejudiced any party;
- SWWC's failure to file its appraisal report within 70 days was due to an error made in good faith, and was not intentional or due to neglect or conscious indifference;
- Under 16 Texas Administrative Code (TAC) § 24.2(b), and for the reasons specified above, good cause exists to make exceptions to:
  - the 70-day deadline specified in 16 TAC § 24.245(i)(2)(B) by which SWWC was required to file its appraisal report; and

- the consequence for SWWC's failure to file its appraisal report within 70 days specified in 16 TAC § 24.245(i)(4);

by granting to SWWC a one-day extension to file its appraisal report;

- SWWC's motion for a one-day extension to file its appraisal report is granted;
- Colorado River Project's requests for findings that no other acts with regard to the compensation phase of this proceeding are required, that this matter is concluded, or that no compensation is due are denied;
- Under 16 TAC § 24.245(i), the compensation phase in a streamlined expedited release case such as this one, where the petitioner and the certificate of convenience and necessity (CCN) holder did not agree on an appraiser, is to proceed in three sequential steps, whereby first the petitioner and CCN holder must file appraisal reports, then Commission Staff must do the same, and then the Commission must make a final determination on compensation;
- There is good cause, under 16 TAC § 24.2(b), to make an exception to the 100-day deadline specified in 16 TAC § 24.245(i)(2)(B) by granting to Commission Staff an extension of the deadline to file its appraisal report, because:
  - the timing of each step in the compensation phase is chronologically tied to the other steps, and an extension of the first step (SWWC's deadline to file its appraisal report) has been granted; and
  - since March 26, 2021, there has been uncertainty whether it would be necessary for a Commission Staff-appointed appraiser to prepare a report;
- Commission Staff's motion for an extension is granted; and
- Commission Staff is ordered to proceed with appointing an appraiser to make a determination of compensation as required by 16 TAC § 24.245(i)(2)(B), except that the deadline for Commission Staff to file the report is extended to May 12, 2021, which is 30 days from the date of this Order.

Signed at Austin, Texas the 12th day of April 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE**