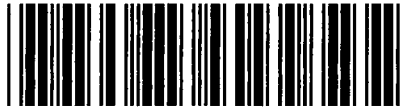




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DOCKET NO. 51166

FILED

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 §

2021 MAY 26 AM 11:07  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**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, Colorado River Project, LLC owes no compensation to SWWC Utilities, Inc. dba Hornsby Bend Utility Company Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed land from SWWC Utilities' service area under water certificate of convenience and necessity (CCN) number 11978 and sewer CCN number 20650. The Commission's determination on compensation is based on the fact that SWWC Utilities failed to timely file an appraisal report.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Colorado River Project is a Delaware limited liability company registered with the Texas secretary of state under filing number 803624941.

**CCN Holder**

2. SWWC Utilities, Inc. is a Delaware corporation registered with the Texas secretary of state under filing number 800832416.
3. SWWC Utilities is registered to do business as Hornsby Bend Utility Company Inc. with the Texas secretary of state.
4. SWWC Utilities holds water CCN number 11978 and sewer CCN number 20650 that obligate it to provide retail water and sewer service in its certificated service areas in Travis County.

**Petition**

5. The petitioner filed a petition on August 13, 2020, and amended the petition on October 9, 2020.
6. In the amended petition, the petitioner sought streamlined expedited release of portions of a tract of land from the CCN holder's service areas under CCN numbers 11978 and 20650.
7. In an Order filed on January 14, 2021, the Commission granted the petition and released the requested portions of petitioner's tract of land from the CCN holder's certificated service areas.
8. Ordering paragraph eight of the January 14, 2021 Order stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 6, filed on November 5, 2020.

**Appraisers and Appraisals**

9. The petitioner and the CCN holder did not agree on the compensation to be paid to the CCN holder for the streamlined expedited release.
10. The petitioner and the CCN holder did not agree on an independent appraiser.
11. The petitioner filed an appraisal report on March 25, 2021, which was the 70th day after the Commission granted release.
12. The CCN holder filed an appraisal report on March 26, 2021, which was the 71st day after the Commission granted release.
13. In Order No. 10 filed on April 12, 2021, the administrative law judge granted the CCN holder a one-day extension to file its appraisal report and directed Commission Staff to appoint an appraiser to make a determination on compensation.

**Interim Appeal**

14. On April 14, 2021, the petitioner filed an interim appeal of Order No. 10.
15. On May 13, 2021, the Commission issued an Order on Appeal of Order No. 10, granting the petitioner's appeal, which had the effect of rescinding the one-day extension granted in Order No. 10, thereby leading to the conclusion that the CCN holder's appraisal report was untimely.

16. The CCN holder failed to file an appraisal within 70 days after the Commission granted release.

**Motion for Reconsideration**

17. On May 14, 2021, the CCN holder filed a motion for reconsideration of the Commission's Order on Appeal of Order No. 10.
18. Because no Commissioner balloted, within five working days of the filing of the motion, to place the motion for reconsideration on the agenda for an open meeting, the motion was deemed denied.

**Compensation**

19. Because the CCN holder did not file an appraisal report within 70 days after the Commission granted release, no compensation is owed for the 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. Because no Commissioner balloted, within five working days of the filing of the motion, to place the motion for reconsideration of the Order on Appeal of Order No. 10 on the agenda for an open meeting, the motion was deemed denied, under 16 TAC § 22.123(b)(6)(A).
6. Under 16 TAC § 24.245(i)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraisal report within 70 days after the Commission grants streamlined expedited release.

7. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
8. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
9. 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. No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
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 26th day of May 2021.**

PUBLIC UTILITY COMMISSION OF TEXAS



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HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE