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| PETITION OF CARNEGIE | § | PUBLIC UTILITY COMMISSION |
| DEVELOPMENT, LLC TO AMEND | § | |
| JAMES A. DYCHE DBA CREST | § | OF TEXAS |
| WATER COMPANY CERTIFICATE OF | § | |
| CONVENIENCE AND NECESSITY IN | § | |
| JOHNSON COUNTY BY | § | |
| STREAMLINED EXPEDITED | § | |
| RELEASE | § | |

**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, Carnegie Development, LLC owes compensation of \$3,000 to Crest Water Company under Texas Water Code (TWC) § 13.254. The Commission previously granted streamline expedited release and removed a tract of land from Crest Water’s certificated service under water certificate of convenience and necessity (CCN) number 12037. The Commission’s determination on compensation is based on an agreement between Carnegie Development and Crest Water.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Carnegie Development’s status as an LLC was forfeited on February 14, 2003.
2. Carnegie Development is operating as a general partnership in the State of Texas.

CCN Holder

3. James A. Dyche is an individual doing business as Crest Water Company.
4. Crest Water holds CCN number 12037 that obligates Crest Water to provide retail water service in its certificated service area in Johnson County.

Petition

5. On September 21, 2020, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder’s service area under CCN number 12037.
6. The Commission granted the petition and released the petitioner’s tract of land from the CCN holder’s certificated service area.

7. On May 24, 2021, the Commission 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 July 29, 2021, the petitioner and the CCN holder filed a joint filing stating that they have agreed on compensation.
10. The petitioner and CCN holder have agreed that \$3,000 of compensation be paid to the CCN holder and that amount has been already paid by petitioner to CCN holder.

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 \$3,000, 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 and CCN holder have agreed on compensation of \$3,000 and that amount has been paid by the petitioner.
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 30th day of July 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



**GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE**