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DOCKET NO. 51355

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PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

PETITION OF LDG001, LLC TO §
AMEND MOUNTAIN PEAK SPECIAL §
UTILITY DISTRICT'S CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN JOHNSON COUNTY BY §
EXPEDITED RELEASE §

**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 LDG001, LLC, owes compensation to Mountain Peak Special Utility District under Texas Water Code § 13.2541. The Commission further determines that the compensation will be the amount filed under seal on March 10, 2021. The Commission previously granted streamlined expedited release and removed a tract of land from Mountain Peak’s service area under water convenience and necessity (CCN) number 10908.¹ The Commission’s determination on compensation is based on an agreement between LDG001 and Mountain Peak.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. The petitioner is a Texas limited liability company registered with the Texas secretary of state under filing number 803101963.

CCN Holder

2. Mountain Peak is a special utility district operating under chapter 65 of the Texas Water Code.
3. Mountain Peak holds CCN number 10908 that obligates Mountain Peak to provide retail water service in its certificated service area in Johnson County and other surrounding counties.

¹ Order (Jan. 29, 2021).

Petition

4. On September 22, 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 10908.
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. 3 filed on October 23, 2020, the administrative law judge 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 March 8, 2021, the petitioner and the CCN holder filed a joint filing indicating that they had reached an agreement on the amount of compensation the petitioner owed the CCN holder for the release, and explaining that the petitioner had already paid the agreed-upon amount to the CCN holder.
9. On March 10, 2021, the petitioner and the CCN holder filed a joint response in which they stated, confidentially, the agreed-upon compensation amount.
10. The petitioner and the CCN holder have agreed that compensation, in the amount filed under seal, was paid to the CCN holder 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. Compensation, in the amount filed under seal, is owed by LDG001 to Mountain Peak under TWC § 13.2541(f).
7. The Commission processed the petition in accordance with the TWC and Commission rules.

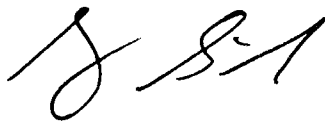
III. Ordering Paragraphs

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 compensation in the amount filed under seal, 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 10th day of March 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



**GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE**

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² This implements the payment deadline mandated by 16 TAC § 24.245(i)(6). The parties have stated that the compensation amount has already been paid.