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DOCKET NO. 51355

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

OF TEXAS

ORDER NO. 3
FINDING PETITION ADMINISTRATIVELY COMPLETE AND NOTICE
SUFFICIENT; ESTABLISHING PROCEDURAL SCHEDULE

This Order addresses the September 22, 2020, petition of LDG001, LLC to amend Mountain Peak Special Utility District's water certificate of convenience and necessity (CCN) 10908 in Johnson County by streamlined expedited release, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l). On September 29, 2020, petitioner filed a supplement to the petition.

On October 22, 2020, Commission Staff recommended that the petition be found administratively complete and notice be found sufficient. The administrative law judge (ALJ) finds the petition administratively complete and notice sufficient.

Under the provisions of TWC § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, if streamlined expedited release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for Mountain Peak and intervenors to file a response to the administratively complete petition	November 12, 2020
Deadline for Commission Staff's recommendation on final disposition	November 24, 2020

Deadline for petitioner to file a reply to both Mountain Peak’s response and Commission Staff’s recommendation on final disposition	December 1, 2020
Sixty-day administrative approval of expedited release	December 22, 2020
<i>In the event expedited release is granted and the petitioner and Mountain Peak can select an agreed-upon appraiser</i>	
Deadline for petitioner and Mountain Peak to select an agreed-upon appraiser	Within 10 days after the Commission approves expedited release
Deadline for appraiser’s report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission’s final order determining the amount of monetary compensation, if any, owed by the petitioner to Mountain Peak	Within 60 days after appraiser’s report
Deadline for the petitioner to pay any compensation due to Mountain Peak	Within 90 days of Commission’s final order on compensation
<i>In the event expedited release is granted and the petitioner and Mountain Peak are unable to select an agreed-upon appraiser</i>	
Deadline for reports from the petitioner’s appraiser and from Mountain Peak’s appraiser	Within 70 days after the Commission approves expedited release
Deadline for Commission Staff’s appraiser’s report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission’s final order determining the amount of monetary compensation, if any, owed by the petitioner to Mountain Peak	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to Mountain Peak	Within 90 days of Commission’s final order on compensation

Service of pleadings is typically governed by 16 TAC § 22.74. However, in light of the Commission’s Order entered in Docket No. 50664,¹ which suspended the service requirements found in 16 TAC § 22.74, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission’s website and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

¹ See *Issues Related the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020).

Signed at Austin, Texas the 23rd day of October 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "G. R. Siemankowski". The signature is written in a cursive style with a large initial "G" and a period at the end.

GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE