



Control Number: 51367



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DOCKET NO. 51367

**PETITION OF DESTINY
DEVELOPMENT, LLC, ON BEHALF
OF CYD BAILEY, TO AMEND WEST
WISE SPECIAL UTILITY DISTRICT'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN WISE COUNTY
BY EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**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 Destiny Development, LLC, on behalf of Cyd Bailey, owes compensation to West Wise Special Utility District under Texas Water Code § 13.2541. The Commission further determines that the compensation will be the amount filed under seal on February 3, 2021. The Commission previously granted streamlined expedited release and removed a tract of land from West Wise's service area under water convenience and necessity (CCN) number 10284.¹ The Commission's determination on compensation is based on an agreement between Destiny Development and West Wise.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Ms. Bailey owns an approximately 31-acre tract of land in Wise County located within the boundaries of West Wise's water CCN number 10284.
2. Ms. Bailey authorized Destiny Development and its attorneys to act on her behalf in this petition.
3. Destiny Development is a Texas limited liability company registered with the Texas secretary of state under filing number 803530185.

¹ Order Granting Streamlined Expedited Release (Dec. 17, 2020).

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CCN Holder

4. West Wise is a special utility district in Wise county operating under chapter 65 of the Texas Water Code (TWC).
5. West Wise holds CCN number 10284 that obligates West Wise to provide retail water service in its certificated service area in Wise County.

Petition

6. On September 25, 2020, on behalf of Ms. Bailey, Destiny Development filed a petition for streamlined expedited release of the 31-acre tract from West Wise's water CCN number 10284.
7. The Commission granted the petition and released the petitioner's tract of land from the CCN holder's certificated service area.
8. In Order No. 3 filed on October 27, 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

9. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

10. On February 3, 2021, the petitioner and the CCN holder filed a joint response regarding the compensation amount, agreeing to the amount for decertification and the sufficiency of the amount, which is filed under seal as exhibit 1 to the joint response.
11. 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 Destiny Development to West Wise 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 18 day of February 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



KATIE MOORE
ADMINISTRATIVE LAW JUDGE

² This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties have stated that the compensated amount has already been paid.