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DOCKET NO. 51367

**PETITION OF DESTINY
DEVELOPMENT, LLC 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**



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

This Order addresses the September 25, 2020 petition of Destiny Development, LLC to amend West Wise Special Utility District's water certificate of convenience and necessity (CCN) number 10284 in Wise County by streamlined expedited release under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). On October 14, 2020, petitioner filed a supplement to the petition.

On October 26, 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 West Wise and intervenors to file a response to the administratively complete petition	November 3, 2020
Deadline for Commission Staff's recommendation on final disposition	November 10, 2020

Deadline for petitioner to file a reply to both West Wise's response and Commission Staff's recommendation on final disposition	November 17, 2020
Sixty-day administrative approval of expedited release	December 28, 2020 ¹
<i>In the event expedited release is granted and the petitioner and West Wise can select an agreed-upon appraiser</i>	
Deadline for petitioner and West Wise 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 West Wise	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to West Wise	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and the petitioner and West Wise are unable to select an agreed-upon appraiser</i>	
Deadline for reports from the petitioner's appraiser and from West Wise'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 West Wise	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to West Wise	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. 50664,² 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

¹ The 60-day deadline in this case ends December 26, 2020, a Saturday; therefore, under 16 TAC 22.4(a), the deadline is extended to the next day in which the Commission is open for business, December 28, 2020.

² See *Issues Related the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

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.

Signed at Austin, Texas the 27 day of October 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Katie Moore", written in a cursive style.

KATIE MOORE
ADMINISTRATIVE LAW JUDGE