



Control Number: 51455



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PUC DOCKET NO. 51455

**PETITION BY CLAY ROAD 628
DEVELOPMENT, LP FOR
EXPEDITED RELEASE FROM
WATER CCN NO. 12892
HELD BY T&W WATER
SERVICE COMPANY**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 MAY -5 PM 3:35

FILED
PUC DOCKET NO. 51455

**CLAY ROAD 628 DEVELOPMENT, LP'S
REQUEST TO ISSUE A NOTICE OF APPROVAL ON COMPENSATION
AND PROPOSED NOTICE OF APPROVAL**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Clay Road 628 Development, LP (Clay Road) files this its Request to Rule on Compensation. Clay Road respectfully requests that the Administrative Law Judge (ALJ) issue a notice of approval determining that Clay Road and T & W Water Service Company have agreed to compensation and Clay Road has paid the compensation to T & W Water Service Company.

On October 22, 2020, Clay Road filed its Petition (Petition) for Expedited Release from Water CCN No. 12892 held by T & W Water Service Company (T&W). With the Petition, Clay Road and T&W submitted a Joint Filing Regarding Compensation and the affidavit, dated October 19, 2020, of Ron Payne, T&W's general manager, and the affidavit, dated October 21, 2020, of Perry Senn, Vice President of Clay Road. On October 29, 2022, Clay Road supplemented its Petition for Streamlined Expedited Release (Petition) with a CCN release settlement agreement under confidential seal. The Joint Filing, the settlement agreement, and the affidavits of Mr. Payne and Mr. Senn confirm that Clay Road and T&W have reached an agreement regarding compensation, that the compensation is adequate, and Clay Road has paid the compensation to T&W.

Pursuant to 16 Texas Administrative Code § 24.245(i), Clay Road respectfully requests that the ALJ issue a Notice of Approval determining the compensation and confirming that the compensation has been paid.

Respectfully submitted,

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BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I certify that this Joint Motion was provided to all parties of record via electronic mail or regular mail on May 5, 2021, in accordance with the Order Suspending Rules, issued in Project No 50664.

Emily W. Rogers
Emily W. Rogers

PUC DOCKET NO. 51455

PETITION BY CLAY ROAD 628	§	BEFORE THE
DEVELOPMENT, LP FOR	§	
EXPEDITED RELEASE FROM	§	PUBLIC UTILITY COMMISSION
WATER CCN NO. 12892	§	
HELD BY T&W WATER	§	OF TEXAS
SERVICE COMPANY	§	

**PROPOSED 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, Clay Road 628 Development, LP (Clay Road) has paid compensation to T & W Water Service Company (T&W). The Commission previously granted streamlined expedited release and removed tracts of land from T&W's service area under water certificate of convenience and necessity (CCN) number 12892. The Commission's determination on compensation and its payment is based on the settlement agreement between Clay Road and T&W and affidavits of representatives of each entity.

I. Findings of Fact

The Commission makes the following findings of fact:

Petitioner

1. Clay Road is a limited partnership registered with the Texas secretary of state under filing number 800524372.

CCN Holder

2. T&W is a Texas corporation registered with the Texas secretary of state under filing number 46041000 and is an investor-owned utility.
3. T&W holds CCN number 12892 that obligates it to provide retail water service in its certificated service area in Montgomery County.

Petition

4. On October 22, 2020, the petitioner filed a petition for streamlined expedited release of land from the CCN holder's service under CCN number 12892.
5. In Order No. 6 filed on May 3, 2021, the administrative law judge (ALJ) granted the petition and released the petitioner's land from the CCN holder's certificated service area.
6. In Order No. 5 filed April 5, 2021, the ALJ state 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 settlement agreement between the petitioner and the CCN holder.

Compensation

8. On October 22, 2020, the petitioner and the CCN holder included with the application a joint notice of agreement regarding compensation, which provided for compensation to the CCN holder. The amount of the compensation was confidentially filed with the Commission.
9. The petitioner and the CCN holder have agreed that the petitioner has paid the compensation to the 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 § 13.2541.
2. No notice is required to determine the amount of the 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 § 13.3541 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 the 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 compensation to be paid.
6. The agreed compensation has been paid by the petition to the CCN holder for the release under TWC § 13.2541.
7. The Commission processed this petition in accordance with the TWC and Commission rules.

III. Ordering Provisions

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The agreed compensation has been paid by the petition to the CCN holder.
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 ____ day of May 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE