



Control Number: 51455



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DOCKET NO. 51455

PETITION OF CLAY ROAD 628 §
DEVELOPMENT, LP TO AMEND T&W §
WATER SERVICE COMPANY'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

OF TEXAS

2021 MAY 10 AM 10:10

**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 Clay Road 628 Development, LP owed, but has already paid, compensation to T&W Water Service Company under Texas Water Code (TWC) § 13.2541. The Commission further determines that the amount of compensation owed is the amount filed under seal on October 29, 2020. The Commission previously granted streamlined expedited release and removed a tract of land from T&W Water Service's service area under water convenience and necessity (CCN) number 12892.¹ The Commission's determination on compensation is based on an agreement between Clay Road 628 and T&W Water Service.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Clay Road 628 is a Texas limited partnership registered with the Texas secretary of state under filing number 800524372.

CCN Holder

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

¹ Order No. 6 (May 3, 2021).

Petition

4. On October 22, 2020, the petitioner filed a petition for streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 12892.
5. In Order No. 6 filed on May 3, 2021, 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. 5 filed on April 5, 2021, 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. Included in the October 22, 2020 petition are affidavits from representatives of the petitioner and the CCN holder indicating that they have reached an agreement on the amount of compensation due for the release of the property and that the petitioner has already paid to the CCN holder the agreed-upon compensation amount.
9. On October 29, 2020, the petitioner supplemented the petition with the agreement executed by the petitioner and the CCN holder, filed under confidential seal, in which the petitioner and the CCN holder identify the agreed-upon compensation amount, along with evidence establishing that the agreed-upon compensation amount has already been paid by the petitioner 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 §§ 13.254 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, was owed, but has already been paid, by Clay Road 628 to T&W Water Service under TWC § 13.2541(f).
7. The Commission processed the petition in accordance with the TWC and Commission rules.

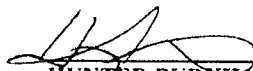
III. Ordering Paragraphs

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

1. The amount of compensation owed by the petitioner to the CCN holder is the amount filed and identified under seal, and that amount has already been paid.
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 May 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE