



Control Number: 51545



Item Number: 19

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**DOCKET NO. 51545**

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**PETITION OF COMPASS  
DATACENTERS DFW III, LLC TO  
AMEND ROCKETT SPECIAL  
UTILITY DISTRICT'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN ELLIS COUNTY BY EXPEDITED  
RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On November 20, 2020, Compass Datacenters DFW III, LLC (Compass) filed a petition for streamlined expedited release from Rockett Special Utility District's (Rockett SUD) water certificate of convenience and necessity (CCN) number 10099 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Compass asserts that the tract of land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Ellis county, which is a qualifying county. Rockett SUD filed a motion to intervene on December 2, 2021 and supplemental information on May 14, 2021. Compass filed supplemental information on December 3, 2021, January 7, May 6 and May 21, 2021.

On April 9, 2021, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of June 3, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file supplemental comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition or on the pending motion to dismiss

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(F), the landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via

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certified mail on the day that the landowner submits the petition with the Commission. Compass stated that it mailed a copy of its petition to the CCN holder, Rockett SUD, by certified mail on the day the petition was filed with the Commission. Compass also included an affidavit attesting to this provision of notice to Rockett SUD. Accordingly, Staff recommends that the notice issued is sufficient.

### III. PROPOSED PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Rockett SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Rockett SUD's response and Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Rockett SUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and <b><i>Rockett SUD</i></b> to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined 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 petitioner to <b><i>Rockett SUD</i></b>	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to <b><i>Rockett SUD</i></b>	Within 90 days of the Commission's final order on compensation

<i><b>In the event streamlined expedited release is granted and petitioner and Rockett SUD are unable to select an agreed-upon appraiser</b></i>	
Deadline for petitioner and <b><i>Rockett SUD</i></b> to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and <b><i>Rockett SUD's</i></b> appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for 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 petitioner to <b><i>Rockett SUD</i></b>	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to <b><i>Rockett SUD</i></b>	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: June 3, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ Forrest Smith  
Forrest Smith  
State Bar No. 24093643  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7388  
(512) 936-7268 (facsimile)  
Forrest.Smith@puc.texas.gov

**PROJECT NO. 51545**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 3, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** June 3, 2021

**RE:** Docket No. 51545 – *Petition of Compass Datacenters DFW III, LLC to Amend Rockett Special Utility District's Certificate of Convenience and Necessity in Ellis County by Expedited Release*

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On November 20, 2020, Compass Datacenters DFW III, LLC (Compass) filed a petition for streamlined expedited release from Rockett Special Utility District's (Rockett SUD) water certificate of convenience and necessity (CCN) No. 10099 in Ellis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Compass asserts that the land is at least 25 contiguous acres, it is not receiving water service, and it is located in Ellis County, a qualifying county.

Compass submitted a sworn affidavit on May 4, 2021 attesting that the property was not receiving water service from Rockett SUD and a warranty deed confirming Compass's ownership of the tract of land. On May 6, 2021, Compass filed an amended petition identifying a portion of a tract they are seeking to release from Rockett SUD's CCN No. 10099. Based on the review of Tracy Montes, Infrastructure Division, the revised digital data and maps filed are sufficient. The entire tract of land is 171.158 acres. The portion of the tract considered for release is 149.34 acres. If approved, the area to be released from Rockett SUD's water CCN No. 10099 is 149.34 acres.

On December 2, 2020, Rockett SUD requested to intervene in the docket. Intervention was granted on January 27, 2021. The revised petition includes a statement indicating that a copy of the petition was sent via certified mail to Rockett SUD on the date the revised petition was filed with the Commission. On May 14, 2021, Rockett SUD submitted a response to the amended petition. Rockett SUD states that the property is currently receiving service. The property shown to be receiving service in Rockett SUD's filing is not located in the area being requested for release.

Based on the mapping review by Ms. Montes, in addition to my technical and managerial review of the information provided by Compass, I recommend the petition be deemed administratively complete and accepted for filing.