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Item Number: 20

Addendum StartPage: 0

DOCKET NO. 51545

FILED

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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**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

ORDER NO. 6

**DENYING SECOND MOTION TO DISMISS; FINDING PETITION, AS
SUPPLEMENTED, ADMINISTRATIVELY COMPLETE AND NOTICE SUFFICIENT;
AND ESTABLISHING PROCEDURAL SCHEDULE**

I. DENYING ROCKETT'S SECOND MOTION TO DISMISS

On November 20, 2020, Compass Datacenters DFW III, LLC filed its petition in this matter. On December 29, 2020, Rockett Special Utility District filed a motion to dismiss (the first motion to dismiss). In Order No. 4 filed on March 9, 2021, the administrative law judge (ALJ) denied the first motion to dismiss.

In Order No. 5 filed on April 9, 2021, the ALJ found Compass Datacenters' petition to be administratively incomplete. On May 6, 2021, Compass Datacenters filed an amended petition in an effort to cure the deficiencies in its original petition.

On May 14, 2021, Rockett filed a second motion to dismiss. There is no substantive difference between Compass Datacenters' original and amended petitions that justifies Rockett's filing of the second motion to dismiss. Similarly, there is no substantive difference between the arguments made in the first and second motions to dismiss. The ALJ believes that Rockett lacked a reasonable basis for filing the second motion to dismiss. The second motion to dismiss is denied for the same reasons that the first motion was denied.

II. FINDING APPLICATION ADMINISTRATIVELY COMPLETE

On June 3, 2021, Commission Staff recommended that the petition, as amended, be found administratively complete. The ALJ finds the amended petition administratively complete.

III. Notice

Compass Datacenters' application states that it mailed a copy of its petition to the CCN holder, Rockett, by certified mail on the day the petition was filed and included a statement that a copy of the petition was sent, via certified mail, to Rockett on the date the petition was filed. The ALJ finds the notice sufficient.

IV. Establishing Procedural Schedule

Under Texas Water Code (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, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested 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 CCN holder and intervenors to file a response to the administratively complete petition	June 24, 2021
Deadline for Commission Staff's recommendation on final disposition	July 8, 2021
Deadline for petitioner to file a reply to CCN holder's response and Commission Staff's recommendation on final disposition	July 15, 2021
Sixty-day administrative approval of expedited release	August 3, 2021
<i>In the event expedited release is granted and the petitioner and CCN holder can select an agreed-upon appraiser</i>	
Deadline for petitioner and CCN holder 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 expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after appraiser's report
Deadline for petition to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and petitioner and CCN holder are unable to select</i>	

<i>an agreed-upon appraiser</i>	
Deadline for petitioner and CCN holder 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 ¹	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from petitioner's appraiser and from CCN holder'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 expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation

Signed at Austin, Texas the 4th day of June 2021.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ TWC § 13.2541(i).