



Filing Receipt

Received - 2021-09-08 02:20:51 PM
Control Number - 51545
ItemNumber - 32

Ms. Mauldin's Direct Line: (512) 322-5890
Email: jmauldin@lglawfirm.com

September 8, 2021

VIA ELECTRONIC SERVICE

Stephen Journeyay
Public Utility Commission of Texas
Office of Policy and Docket Management
1701 N. Congress Ave.
PO Box 13326
Austin, TX 78711-3326

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*

Dear Mr. Journeyay:

Compass Datacenters DFW III, LLC (Compass) submits this letter to the Public Utility Commission of Texas (Commission) regarding 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*. Compass requests that you place this docket on the agenda for the next regularly scheduled open meeting, set to take place on September 23, 2021.

The 60-day deadline to grant expedited release set forth in Texas Water Code (TWC) § 13.2541(c) was August 3, 2021. TWC § 13.2541(c) states that the Commission "shall grant the petition not later than the 60th day after the date the landowner files the petition." The Commission's substantive rules, in 16 Texas Administrative Code (TAC) § 24.8(d), states that "[a]pplications under subchapter H of chapter 24 are not considered filed until the [C]ommission makes a determination that the application is administratively complete." Further, 16 TAC § 24.245(h)(7), which governs this proceeding, provides that "[t]he [C]ommission will issue a decision on a petition filed under this subsection *no later than 60 calendar days* after the presiding officer by order determines that the petition is administratively complete." The Administrative Law Judge (ALJ) found Compass's petition to be administratively complete in Order No. 6 issued on June 4, 2021.¹ Sixty calendar days from June 4, 2021 is August 3, 2021. Therefore, the Commission had until August 3, 2021 to issue an order in this proceeding.

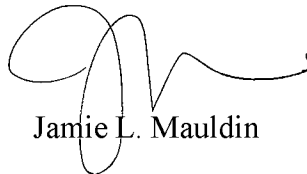
¹ Order No. 6—Denying Second Motion to Dismiss; Finding Petition, as Supplemented, Administratively Complete and Notice Sufficient; and Establishing Procedural Schedule (Jun. 4, 2021).

On July 8, 2021, Commission Staff issued its recommendation for final disposition, recommending that Compass has met the requirements of TWC § 13.2541 and 16 TAC § 24.245(h), and recommending that the petition for release of the requested area from Rockett Special Utility District's (Rockett SUD) certificate of convenience and necessity (CCN) number 10099 be granted.² Staff also recommended that Rockett SUD's Third Motion to Dismiss be denied.³ On July 30, 2021, the Commission denied Rockett SUD's Third Motion to Dismiss.⁴ The ALJ issued a Proposed Order on August 2, 2021,⁵ and Compass and Rockett SUD both filed corrections to the Proposed Order.⁶ Commission Staff filed a Notice of No Corrections or Exceptions to the Proposed Order in which it supported the corrections identified by Compass and did not make any additional recommendations.⁷ In response, the ALJ issued a Revised Proposed Order on August 16, 2021, agreeing with some of the corrections recommended by Compass.⁸

Despite the issuance of both a Proposed Order and a Revised Proposed Order adopting some of Compass's recommended corrections, the Commission has not yet placed this docket on an open meeting agenda for consideration, and thus has not yet issued a Final Order granting Compass's petition. As required by the statute and the Commission's rules, the Commission should have issued a Final Order granting Compass's petition by August 3, 2021. Therefore, Compass requests that the Commission place this docket on the agenda for the next regularly scheduled open meeting, set to take place on September 23, 2021.

Compass appreciates the opportunity to submit this letter to the Commission.

Sincerely,



Jamie L. Mauldin

² Commission Staff's Recommendation on Final Disposition (July. 8, 2021).

³ *Id.*

⁴ Order No. 7—Denying Third Motion to Dismiss (Jul. 30, 2021).

⁵ Proposed Order with Memo (Aug. 2, 2021).

⁶ Compass Datacenters DFW III, LLC's Corrections to the Proposed Order (Aug. 13, 2021); Rockett SUD's Response and Objection to Proposed Order (Aug. 16, 2021).

⁷ Commission Staff's Notice of No Corrections or Exceptions to the Proposed Order (Aug. 16, 2021).

⁸ Revised Proposed Order with Memo (Aug. 16, 2021).