



Control Number: 51698



Item Number: 24

Addendum StartPage: 0

RECEIVED

DOCKET NO. 51698

2021 JUN 18 AM 10:51

PETITION OF TRI POINTE HOMES	§	PUBLIC UTILITY COMMISSION
TEXAS, INC. TO AMEND MSEC	§	
ENTERPRISES, INC.'S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN MONTGOMERY COUNTY BY	§	
EXPEDITED RELEASE	§	

**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, Tri Pointe Homes Texas, Inc. owes compensation of \$7,327.00 to MSEC Enterprises, Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from MSEC's service area under water certificate of convenience and necessity (CCN) number 12887. The Commission's determination on compensation is based on an agreement between Tri Pointe and MSEC.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Tri Pointe is a Texas for-profit corporation registered with the secretary of state under filing number 29716600.

CCN Holder

2. MSEC is a Texas for-profit corporation registered with the Texas secretary of state under filing number 145205000.
3. MSEC holds CCN number 12887 that obligates MSEC to provide retail water service in its certificated service area in Montgomery County.

Petition

4. On January 8, 2021, the petitioner, at the time named Trendmaker Homes, Inc., 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 12887.

5. 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. 2 filed on February 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. On June 14, 2021, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation and stated that they have executed a compensation settlement agreement.
9. In the agreement, the petitioner and the CCN holder have agreed that the petitioner should pay to the CCN holder \$7,327.00, as just and adequate compensation for the streamlined expedited release.

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. The amount of \$7,327.00, agreed to by the petitioner and CCN holder, is just and adequate compensation for the release under TWC § 13.2541.
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 petitioner must pay to the CCN holder compensation in the amount of \$7,327.00 within 90 days from the date of this Notice of Approval.¹
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 18th day of June 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



for

**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**

q \cadm\doCKET management\water\ccn_expedited\51xxx\51698 compensation noa docx

¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.