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PETITION OF WUSF 5 ROCK	§	PUBLIC UTILITY COMMISSION
CREEK EAST, LP AND WALTON	§	
TEXAS, LP TO AMEND JOHNSON	§	OF TEXAS
COUNTY SPECIAL UTILITY	§	
DISTRICT'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	
IN TARRANT COUNTY BY	§	
EXPEDITED RELEASE		

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

On February 5, 2021, WUSF 5 Rock Creek East, LP and Walton Texas, LP (collectively, Petitioners) filed a petition for streamlined expedited release of approximately 361 acres of land within the boundaries of Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county. Petitioners filed supplemental information on March 18, 2021.

On March 8, 2021, Order No. 2 was filed, establishing a deadline of May 5, 2021, for the Staff of the Public Utility Commission of Texas (Staff) to file a supplementary recommendation on administrative completeness, along with a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the supplemented petition and, as detailed in the attached memorandum from Alicia Maloy of the Commission's Infrastructure Division, Staff recommends that the petition be found administratively complete. Specifically, the petition contains all of the necessary information and supporting documentation required under 16 TAC § 24.245(h)(3). Order No. 2 deemed Petitioners' notice sufficient.

## II. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the procedural schedule below. Under 16 TAC § 24.245(h)(7), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ files an order finding the petition administratively complete. Therefore, Staff proposes that the ALJ populate the dates to conform with the date the order is filed.

Event	Date
Deadline for Johnson County 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 Johnson County 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 Johnson County SUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Johnson County SUD 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 Johnson County SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Johnson County SUD	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Johnson County SUD are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Johnson County SUD to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>

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<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.

they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	
Deadline for reports from petitioner's appraiser and Johnson County SUD's 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 Johnson County SUD	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Johnson County SUD	Within 90 days of the Commission's final order on compensation

### III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds the petition administratively complete and (2) adopts the above proposed procedural schedule.

Dated: May 5, 2021

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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<sup>1</sup> TWC § 13.2541(i).

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**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 May 5, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

**FROM:** Alicia Maloy, Senior Infrastructure Analyst  
Infrastructure Division

**DATE:** May 5, 2021

**RE:** Docket No. 51799 – *Petition of WUSF 5 Rock Creek East, LP and Walton Texas, LP to Amend Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County by Expedited Release*

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On February 5, 2021, WUSF 5 Rock Creek East, LP and Walton Texas, LP (collectively, Petitioners) filed a petition for streamlined expedited release from Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

The Petitioners submitted a sworn affidavit attesting that the property was not receiving water service from Johnson County SUD and a warranty deed confirming the Petitioners' ownership of the tract of land. The petition also includes a certificate of service stating that a copy of the petition was sent via certified mail to Johnson County SUD on the date the petition was filed with the Commission.

The petition, as supplemented, indicates that the total acreage being requested is approximately 361 acres. Each of the parcels comprising this acreage is at least 25 acres, and although they are non-contiguous, they are large enough standing alone to qualify for release from CCN No. 10081.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Johnson County SUD on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton and my technical and managerial review of the information provided by the Petitioners, I recommend the petition be deemed administratively complete and accepted for filing.