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DOCKET NO. 51799

PETITION OF WUSF 5 ROCK CREEK	§	PUBLIC UTILITY COMMISSION
EAST, LP AND WALTON TEXAS, LP	§	
TO AMEND JOHNSON COUNTY	§	OF TEXAS
SPECIAL UTILITY DISTRICT'S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN TARRANT	§	
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, WUSF 5 Rock Creek East, LP and Walton Texas, LP owes compensation of \$20,000 to Johnson County Special Utility District under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Johnson County SUD's service area under water certificate of convenience and necessity (CCN) number 10081. The Commission's determination on compensation is based on an agreement between WUSF 5 Rock Creek, Walton Texas, and Johnson County SUD.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. WUSF 5 Rock Creek is a Texas limited partnership registered with the secretary of state under filing number 802270126.
2. Walton Texas is a Texas limited partnership registered with the secretary of state under filing number 800659182.

CCN Holder

3. Johnson County SUD is a special utility district in Johnson County operating under chapter 65 of the Texas Water Code.
4. Johnson County SUD holds CCN number 10081 that obligates Johnson County SUD to provide retail water service in its certificated service area in Tarrant County.

Petition

5. On February 5, 2021, the petitioners filed a petition for streamlined expedited release of approximately 833 acres of land, comprised of 753.473 acres and 79.377 acres, from the CCN holder's service area under CCN number 10081.
6. The Commission granted the petition and released the petitioners' tract of land from the CCN holder's certificated service area.
7. In Order No. 3 filed on May 6, 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

8. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioners and the CCN holder.

Compensation

9. On June 30, 2021, the petitioners and the CCN holder filed a joint notice of agreement regarding compensation and stated that they have executed a compensation settlement agreement.
10. In the agreement, the petitioners and the CCN holder have agreed that the petitioners should pay to the CCN holder \$20,000, 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 \$20,000, 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 petitioners must pay to the CCN holder compensation in the amount of \$20,000 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 1st day of November 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE

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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.