



## Filing Receipt

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**DOCKET NO. 51824**

<b>PETITION OF SAM HILL VENTURE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND THE TOWN OF LITTLE</b>	<b>§</b>	
<b>ELM'S CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**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, Sam Hill Venture owes no compensation to the Town of Little Elm under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamline expedited release and removed a tract of land from Little Elm's certificated service under water certificate of convenience and necessity (CCN) number 11202. The Commission's determination on compensation is based on the fact that Little Elm failed to timely file an appraisal report.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Sam Hill Venture is a Texas joint venture.

**CCN Holder**

2. Little Elm is a municipality located in Denton County.
3. Little Elm holds CCN number 11202 that obligates it to provide retail water service in its certificated service area in Denton County.

**Petition**

4. On February 22, 2021, the petitioner filed a petition for streamlined expedited release of a 14.5-acre portion of a tract of land (the release property) from the CCN holder's service area under CCN number 11202.
5. In Order No. 4 filed on June 8, 2021, the Commission granted the petition and released the release property from the CCN holder's certificated service area.

6. Ordering paragraph seven of Order No. 4 stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 2 filed on April 14, 2021.

### **Appraisers and Appraisals**

7. On August 13, 2021, the petitioner filed the appraisal report of David L. Perkins, P.E., of Kimley-Horn and Associates, Inc.
8. The CCN holder did not file an appraisal report.

### **Compensation**

9. Because the CCN holder did not file an appraisal report within 70 days after the Commission granted release, no compensation is owed for the 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)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraisal report within 70 days after the Commission grants streamlined expedited release.
6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
7. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.

8. 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. No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
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 24th day of August 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**