



## Filing Receipt

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**DOCKET NO. 51842**

<b>PETITION OF KENNETH F. JENKINS,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TRUSTEE OF THE HINSVARK</b>	<b>§</b>	
<b>FAMILY TRUST TO AMEND AQUA</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TEXAS, INC.'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>BASTROP COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</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, Central Texas Airport LLC, the current owner of the tract of land which is the subject of this proceeding and previously owned by Kenneth F. Jenkins, Trustee of the Hinsvark Family Trust (the parties) owes compensation of \$4,800 to Aqua Texas Inc. The Commission previously granted streamline expedited release and removed a tract of land from Aqua Texas's certificated service under sewer certificate of convenience and necessity (CCN) number 21116. The Commission's determination on compensation is based on an agreement between Central Texas Airport, LLC, Hinsvark Family Trust and Aqua Texas.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. The petitioner owns property containing 269.692 acres in Bastrop County.

**CCN Holder**

2. Aqua Texas is a Texas corporation registered with the Texas secretary of state under filing number 800304878.
3. Aqua Texas holds CCN number 21116 that obligates Aqua Texas to provide sewer service in its certificated service area in Bastrop County.

**Petition**

4. On February 26, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 21116.

5. In Order No. 3 filed on May 19, 2021, the administrative law judge (ALJ) 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.
6. On January 31, 2022 the Commission granted the petition and released the petitioner's tract of land from CCN holder's certificated service area.
7. On March 7, 2022, the petitioner filed a notice of change of ownership.

#### **Appraisers and Appraisals**

8. No appraisers are needed to determine compensation in this docket because of the compromise and settlement agreement between the Central Texas, the current owner of the tract of land owned by the petitioner and the CCN holder.

#### **Compensation**

9. On March 7, 2022, the petitioner 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 petitioner should pay to the CCN holder \$4,800, 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)(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. The amount of \$4,800, 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 \$4,800 within 90 days from the date of this Notice of Approval.<sup>1</sup>
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 10th day of March 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**GREGORY R. SIEMANKOWSKI**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>1</sup> 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.