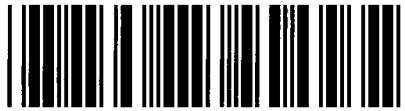




Control Number: 51933



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 51933

**PETITION OF MONTGOMERY
ESTATES, LLC TO AMEND CC
WATER WORKS, INC.'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN CHAMBERS
COUNTY BY EXPEDITED RELEASE**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 JUN 25 PM 1:21
RECEIVED
PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release of an approximately 98.9 acre portion of its 100 acre tract that lies within CC Water Works, Inc.'s (CC Water) water certificate of convenience and necessity (CCN) number 13038 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Chambers County, which is a qualifying county. On May 26, 2021, Montgomery Estates filed supplemental information.

On April 28, 2021, the administrative law judge (ALJ) filed Order No. 2, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the petition and the sufficiency of the notice, and to propose a procedural schedule by June 25, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Montgomery Estates' application and, as detailed in the attached memorandum from Pai Liu of the Infrastructure Division, recommends that the petition be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits, but only that the petition is complete for further processing.

II. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes 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 the following procedural schedule.

Event	Date
Deadline for CC Water 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 CC Water'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
<i>In the event streamlined expedited release is granted and petitioner and CC Water can select an agreed-upon appraiser</i>	
Deadline for petitioner and CC Water 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 CC Water	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to CC Water	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and CC Water are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and CC Water to make a filing stating that they have been unable to select an agreed upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and CC Water'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

¹ TWC § 13.2541(i).

² 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.

Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CC Water	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to CC Water	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; (2) finds the notice sufficient; and (3) adopts the above proposed procedural schedule.

Dated: June 25, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 51933

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 June 25, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel

Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: June 25, 2021

RE: Docket No. 51933 – *Petition of Montgomery Estates, LLC to Amend C C Water Works, Inc.'s Certificate of Convenience and Necessity in Chambers County by Expedited Release*

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release from CC Water Works, Inc.'s (CC Water) water certificate of convenience and necessity (CCN) No. 13038 in Chambers County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Chambers County, which is a qualifying county.

Montgomery Estates submitted a sworn affidavit attesting that the property was not receiving water service from CC Water and a warranty deed confirming Montgomery Estates' ownership of the tract of land. In addition, Montgomery Estates submitted sufficient maps and digital data for determining the location of the tract of land within CC Water's certificated service area. The tract of land is approximately 100 acres. The area to be released from CC Water's CCN No. 13038 is approximately 98.9 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to CC Water Works, Inc. on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes and my technical and managerial review of the additional information provided by Montgomery Estates on May 26, 2021, I recommend the petition be deemed administratively complete and accepted for filing.