



Control Number: 51979



Item Number: 11

Addendum StartPage: 0

**DOCKET NO. 51979**

2021 MAY 27 AM 11:58  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**PETITION OF SIG MAGNOLIA LP TO §  
AMEND DOBBIN PLANTERSVILLE §  
WATER SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN MONTGOMERY §  
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

On April 5, 2021, Sig Magnolia LP (Sig Magnolia) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin Plantersville WSC) water certificate of convenience and necessity (CCN) number 11052 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Sig Magnolia asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Sig Magnolia filed supplemental information on April 26, 2021, May 4 and 7, 2021.

On May 6, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of May 27, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information, and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Sig Magnolia stated that it mailed a copy of its petition to the CCN holder, Dobbin Plantersville WSC, by certified mail

11

on the day the petition was filed with the Commission. Sig Magnolia also included in its petition a statement indicating a copy of the petition was sent via certified mail to Dobbin Plantersville WSC on the date the petition was filed. Accordingly, Staff recommends that the notice is sufficient.

### III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Dobbin Plantersville WSC 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 Dobbin Plantersville WSC’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 Dobbin Plantersville WSC can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Dobbin Plantersville WSC 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 Dobbin Plantersville WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Dobbin Plantersville WSC	Within 90 days of the Commission’s final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Dobbin Plantersville WSC are unable to select an agreed-upon appraiser</i></b>	

Deadline for petitioner and Dobbin Plantersville WSC 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 <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and Dobbin Plantersville WSC'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 Dobbin Plantersville WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Dobbin Plantersville WSC	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

---

<sup>1</sup> TWC § 13.2541(i)

<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

Dated: May 27, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/S/ Phillip Lehmann  
Phillip Lehmann  
State Bar No. 24100140  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711  
(512) 936-7385  
(512) 936-7268 (facsimile)  
phillip.lehmann@puc.texas.gov

**DOCKET NO. 51979**

**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 27, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ Phillip Lehmann  
Phillip Lehmann

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** May 27, 2021

**RE:** Docket No. 51979 – *Petition of Sig Magnolia LP to Amend Dobbin Plantersville Water Supply Corporation's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

---

On April 5, 2021, Sig Magnolia LP (Sig Magnolia) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin Plantersville WSC) water certificate of convenience and necessity (CCN) No. 11052 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Sig Magnolia asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

Sig Magnolia submitted a sworn affidavit attesting that the property was not receiving water service from 11052 and a warranty deed confirming Sig Magnolia's ownership of the tract of land. In addition, on April 26, 2021, Sig Magnolia submitted sufficient maps and digital data for determining the location of the requested release area within Dobbin Plantersville WSC's certificated service area. The total property is approximately 665.8 acres. The requested area to be released from the Dobbin Plantersville CCN No. 11052 is approximately 665.8 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Dobbin Plantersville WSC on the date the petition was filed with the Commission. Dobbin Plantersville WSC submitted a motion to intervene on May 4, 2021. The motion to intervene was granted by the administrative law judge on May 12, 2021.

Based on the mapping review by Ms. Montes and my technical and managerial review of the information provided by Sig Magnolia, I recommend the petition be deemed administratively complete and accepted for filing.