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DOCKET NO. 51979

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

COMMISSION STAFF'S MOTION TO CLARIFY PROCEDURAL SCHEDULE

On April 5, 2021, SIG Magnolia LP (SIG Magnolia) filed a petition to amend Dobbin Plantersville Water Supply Corporation's (Dobbin Plantersville WSC) water Certificate of Convenience and Necessity (CCN) No. 11052 in Montgomery County by streamlined expedited release. SIG Magnolia seeks the expedited release of a total of 665.876 acres of land that lie within Dobbin Plantersville WSC's CCN No. 11052. SIG Magnolia filed supplemental maps on April 5 and 26, 2021.

On January 31, 2022, the Public Utility Commission of Texas (Commission) filed an order granting expedited release of the tract of land. On February 25, 2022, Dobbin Plantersville WSC filed a Motion for Rehearing. On March 2, 2022, the Office of Policy and Docket Management (OPDM) filed a memo stating that "No Commissioner voted to add the Motion for Rehearing to an open meeting agenda."¹

I. BACKGROUND

a. Relevant Law

16 TAC § 22.123(b)(2) provides, "...A motion for reconsideration of an interim order issued by the commission shall be filed within five working days of the issuance of the written interim order..."² 16 TAC § 22.123(b)(6)(A) provides, "if after five working days of the filing of a motion no commissioner has, by agenda ballot, placed the motion on the agenda for an open meeting, the motion is deemed denied."³

¹ No Commissioner Voted to Add the Motion for Rehearing to an Open Meeting Agenda (Mar. 2, 2022).

² 16 Tex. Admin. Code (TAC) § 22.123(b)(2).

³ 16 TAC § 22.123(b)(6)(A).

b. Analysis

On May 28, 2021, the administrative law judge (ALJ) filed Order No. 5, requiring the petitioner and CCN Holder to select an agreed-upon appraiser within 10 days after the Commission approves expedited release, or in the event agreement on an appraiser could not be reached, requiring the Petitioner and the CCN holder to file appraisal reports within 70 days after the Commission approved the expedited release. The Commission filed an order approving expedited release on January 31, 2022. On February 25, 2022, Dobbin Plantersville WSC filed a motion for rehearing. On March 2, 2022, OPDM filed a memorandum, which stated that no Commissioner had voted to add the motion for rehearing to an open meeting agenda.

The Commission's order approving expedited release was filed on January 31, 2022. Dobbin Plantersville WSC's motion for reconsideration was filed on February 25, 2022; this motion was filed more than five working days after January 31, 2022. Accordingly, under 16 TAC § 22.123(b)(2), Dobbin Plantersville WSC's motion for reconsideration is not timely filed. Furthermore, under 16 TAC § 22.123(b)(6)(A), because no Commissioner has placed Dobbin Plantersville WSC's motion for reconsideration on the agenda for an open meeting, let alone within five days after the filing of the motion, the motion is denied as a matter of law. Therefore, in the interest of clarity, Staff (Staff) for the Public Utility Commission of Texas (Commission) recommends that the following procedural schedule be adopted to solidify the deadlines for the parties.

II. PROPOSED PROCEDURAL SCHEDULE

Assuming an effective date of January 31, 2022, for the Commission's order granting streamlined expedited release, Staff proposes the following procedural schedule:

<i>In the event the petitioner and the CCN holder can select an agreed-upon appraiser</i>	
Expedited release granted	January 31, 2022
Deadline for petitioner and CCN holder to select an agreed-upon appraiser	February 10, 2022 (10 days after the expedited release is granted)
Deadline for appraiser's report	April 11, 2021 (70 days after the expedited release is granted)
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after the appraiser's report.
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event petitioner and CCN holder are unable to select an agreed-upon appraiser</i>	
Expedited release granted	January 31, 2022
Deadline for reports from petitioner's appraiser and from CCN holder's appraiser	April 11, 2022 (70 days after the expedited release is granted)
Deadline for Commission Staff's appraiser's report	May 11, 2022 (100 days after the expedited release is granted)
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation

III. CONCLUSION

Staff respectfully requests an order adopting the proposed procedural schedule.

Dated: March 30, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 March 30, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ Phillip Lehmann
Phillip Lehmann