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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 RESPONSE TO SIG MAGNOLIA LP'S MOTION TO MAKE DETERMINATION ON COMPENSATION AND ISSUE NOTICE OF APPROVAL

I. BACKGROUND

On April 5, 2021, Sig Magnolia LP (Sig Magnolia) filed a petition for streamlined expedited release from Dobbin Plantersville Water Supply Corporation's (Dobbin) 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.

On April 8, 2022, the administrative law judge filed Order No. 11, requiring Sig Magnolia and Dobbin to file their respective appraisers' reports by April 11, 2022. On April 11, 2022, Sig Magnolia filed its appraiser's report. Dobbin failed to file an appraiser's report on April 11, 2022 and has failed to file an appraiser's report to date. On April 25, 2022, Sig Magnolia filed a motion to make determination on compensation and issue notice of approval.

II. RESPONSE TO SIG MAGNOLIA'S MOTION

Staff affirms Sig Magnolia's motion. Under 16 TAC § 24.245(i)(4), "if the former CCN holder fails to engage an appraiser or file an appraisal within the timeframes required by this subsection the amount of compensation to be paid will be deemed to be zero."¹ Order No. 11 set the deadlines for both parties to file their respective appraisers' reports on or before April 11, 2022. Dobbin did not file an appraiser's report on or before its deadline in accordance with Order No. 11. To date, Dobbin has not filed an appraiser's report. Therefore, the Commission should deem the amount of compensation Sig Magnolia owes to Dobbin to be zero.

¹ 16 TAC § 24.245(i)(4).

III. CONCLUSION

Staff respectfully recommends that an order consistent with the above recommendation.

Dated: May 4, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Marisa Wagley
Managing Attorney

/s/ Phillip Lehmann

Phillip Lehmann
State Bar No. 241000140
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7385
(512) 936-7268 (facsimile)
phillip.lehmann@puc.texas.gov

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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 May 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann