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Received - 2021-11-05 11:46:28 AM
Control Number - 52004
ItemNumber - 23

DOCKET NO. 52004

PETITION OF DPSFLP LTD. TO	§	PUBLIC UTILITY COMMISSION
AMEND AQUA TEXAS, INC.'S	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY EXPEDITED RELEASE	§	

**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, DPSFLP Ltd. owes compensation to Aqua Texas, Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Aqua Texas's certificated service area under water certificate of convenience and necessity (CCN) number 13203. The Commission's determination on compensation is based on an agreement between DPSFLP Ltd. and Aqua Texas.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. DPSFLP Ltd. is a Texas limited partnership registered with the Texas secretary of state under filing number 801197291.

CCN Holder

2. Aqua Texas is a Texas corporation registered with the Texas secretary of state under filing number 800304878.
3. Aqua Texas holds water CCN number 13203 that obligates it to provide retail water service in its certificated service area in Montgomery County.

Petition

4. On April 9, 2021, the petitioner filed a petition for streamlined expedited release of a portion of its tract of land from the CCN holder's service area under CCN number 13203.
5. In the Order filed on September 8, 2021, the Commission granted the petition and released the tract from the CCN holder's certificated service area.

6. Ordering paragraph 7 of the September 8, 2021 Order stated that, if streamlined expedited release was granted, this docket would continue for the purpose of determining compensation.

Appraisers and Appraisals

7. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder

Compensation

8. On October 29, 2021, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation, in which they stipulated that compensation is owed to the CCN holder as a result of the streamlined expedited release.
9. In the agreement, the petitioner and the CCN holder have agreed that \$8,000 is owed 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)(1), if the former CCN holder and landowner agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. Compensation in the amount of \$8,000 is owed by the petitioner to the CCN holder 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 \$8,000 within 90 days from the date of this Notice of Approval.¹
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 5th day of November 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ 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.