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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	§	

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**ORDER NO. 3
FINDING PETITION ADMINISTRATIVELY COMPLETE, NOTICE INSUFFICIENT,
AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses sufficiency of the petition filed by DPSFLP Ltd. filed on April 9, 2021. The applicant seeks the expedited release of land that lies within Aqua Texas, Inc.'s water certificate of convenience and necessity number 13203 in Montgomery County.

I. Finding Application Administratively Complete

On May 10, 2021, Commission Staff recommended that the petition be found administratively complete. The administrative law judge (ALJ) finds the petition administratively complete.

II. Finding Notice Insufficient

The ALJ finds the notice insufficient, for the reasons described in the memorandum of Patricia Garcia, attached to Commission Staff's recommendation. By May 20, 2021, DPSFLP must file proof that Aqua Texas was provided notice of the petition. By June 1, 2021,¹ Commission Staff must file a supplemental recommendation on proof of notice.

III. Establishing Procedural Schedule

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

¹ Commission Staff's requested due date of May 31, 2021 is a state holiday. Therefore, the deadline advances to the next business day, Tuesday, June 1, 2021, under 16 Texas Administrative Code (TAC) § 22.4(a).

The ALJ establishes the following procedural schedule in this case:

Event	Date
Deadline for DPSFLP to file proof that Aqua Texas was provided notice of the petition	May 20, 2021
Deadline for Commission Staff's supplemental recommendation on proof of notice.	June 1, 2021
Deadline for CCN holder and intervenors to file a response to the administratively complete petition	June 7, 2021
Deadline for Commission Staff's recommendation on final disposition	June 21, 2021
Deadline for petitioner to file a reply to CCN holder's response and Commission Staff's recommendation on final disposition	June 28, 2021
Sixty-day administrative approval of expedited release	July 19, 2021 ²
<i>In the event expedited release is granted and the petitioner and CCN holder can select an agreed-upon appraiser</i>	
Deadline for petitioner and CCN holder to select an agreed-upon appraiser	Within 10 days after the Commission approves expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after appraiser's report
Deadline for petition to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and petitioner and CCN holder are unable to select an agreed-upon appraiser</i>	
Deadline for reports from petitioner's appraiser and from CCN holder's appraiser	Within 70 days after the Commission approves expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves expedited release

² 60 days from the date of finding the application administratively complete, May 18, 2021, is Saturday, July 17, 2021. Therefore, the deadline advances to the next business day Monday, July 19, 2021, under 16 TAC§ 22.4(a).

Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation

Signed at Austin, Texas the 18th day of May 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE