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Public Utility Commission of Texas

TO: Stephen Journey
Commission Counsel

All Parties of Record

FROM: 
Hunter Burkhalter
Chief Administrative Law Judge

RE: **Docket No. 52090** – *Petition of Redbird Development, LLC to Amend Dobbin Plantersville Water Supply Corporation's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

DATE: September 7, 2021

On August 4, 2021, a Corrected Proposed Order was filed in the above-referenced docket. The Commission will consider the Corrected Proposed Order at future open meeting.

On September 3, 2021, Dobbin Plantersville Water Supply Corporation (the CCN holder) filed exceptions to the Corrected Proposed Order. In order to avoid confusion, I believe it is appropriate to discuss one of the CCN holder's exceptions and explain why I recommend rejecting it. Finding of fact 27 from the Corrected Proposed Order reads as follows:

27. The CCN holder's water plant number four is located approximately 640 feet north of the extreme western edge of the release property.

The CCN holder contends that the number 640 is incorrect and should be changed to 700. It is true that the CCN holder's consulting engineer, Steve Duncan, stated in an affidavit that the water plant is approximately 700 feet from the release property. However, in its July 8, 2021 response to requests for information, the CCN holder included a map prepared by Mr. Duncan which identifies the water plant as being approximately 640 feet from the release property. I consider the map, which is drawn to scale, to be more accurate than Mr. Duncan's statement.

I do not believe it is necessary to specifically respond to any of the other exceptions raised by the CCN holder.

I conclude that no changes to the Corrected Proposed Order are warranted in response to the exceptions raised by the CCN holder, and the order remains ready for the Commission's consideration.

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