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PETITION OF REDBIRD	§	PUBLIC UTILITY COMMISSION
DEVELOPMENT, LLC TO AMEND	§	
DOBBIN PLANTERSVILLE WATER	§	OF TEXAS
SUPPLY CORPORATION'S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY EXPEDITED RELEASE	§	

ORDER NO. 11
CLARIFYING DEADLINES APPLICABLE TO THE COMPENSATION PHASE

In this matter, the petitioner, Redbird Development, LLC, seeks streamlined expedited release of a tract of land from the service area under the certificate of convenience and necessity (CCN) held by Dobbin Plantersville Water Supply Corporation. Petitions of this type are processed in two stages. In the first stage, the Commission decides whether to grant release. If release is granted, the matter proceeds to the second stage, in which the amount of compensation, if any, to be awarded to the CCN holder is decided. The relevant Commission rule, 16 Texas Administrative Code (TAC) § 24.245(i), specifies the procedural steps for the processing of the compensation phase. These steps are tied to the date the Commission grants streamlined expedited release.


In Order No. 3 filed on June 24, 2022, the administrative law judge (ALJ) adopted a procedural schedule governing the compensation phase. The schedule is consistent with the process laid out in 16 TAC § 24.245(i). In an Order filed on October 12, 2021, the Commission granted the petition for streamlined expedited release. That Order specified, in Ordering Paragraph 7, that the compensation phase commenced with the issuance of the Order and would proceed in accordance with the schedule adopted in Order No. 3.

Subsequently, however, the Commission granted a motion for rehearing filed by the CCN holder. In an Order on Rehearing filed on January 14, 2022, the Commission granted the petition for streamlined expedited release. The Order on Rehearing specifies, in Ordering Paragraph 7, that the compensation phase commences with the issuance of the Order on Rehearing in accordance with the schedule adopted in Order No. 3.

The Order on Rehearing replaces and supersedes the Order filed on October 12, 2021. Therefore, the purpose of this Order No. 11 is to clarify for the parties that the compensation phase in this case commenced with the issuance of the Order on Rehearing, on January 14, 2022.

Signed at Austin, Texas the 21st day of January 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE