



## Filing Receipt

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

**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, Redbird Development, LLC owes no compensation to Dobbin Plantersville Water Supply Corporation under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Dobbin Plantersville WSC's certificated service area under certificate of convenience and necessity (CCN) number 11052. The Commission's determination on compensation is based on the fact that Dobbin Plantersville WSC failed to timely file an appraisal report.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Redbird is a Texas limited liability company registered with the Texas secretary of state under filing number 804010621.

**CCN Holder**

2. Dobbin Plantersville WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 37131501.
3. Dobbin Plantersville WSC holds CCN number 11052 that obligates the utility to provide retail water service in its certificated service area in Montgomery and Grimes counties.

**Petition**

4. On May 6, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11052.
5. On January 14, 2022, the Commission issued an Order on Rehearing in which it released the tract of land from the CCN holder's certificated service area.

6. Ordering paragraph 7 of the Order on Rehearing stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 3 filed on June 24, 2021.

### Appraisers and Appraisals

7. On March 25, 2022, the petitioner filed the appraisal report of Chris Ekrut and Zak Wright, of NewGen Strategies & Solutions.
8. The CCN holder did not file an appraisal report.

### Compensation

9. Because the CCN holder did not file an appraisal report within 70 days after the Commission granted release, no compensation is owed for the 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)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraisal report within 70 days after the Commission grants streamlined expedited release.
6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
7. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.

8. 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. No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
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 11th day of April 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**