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PUC DOCKET NO.: 52160

PETITION BY SEWELL FAMILY
PARTNERSHIP, LTD., FOR
STREAMLINED EXPEDITED
RELEASE FROM WATER CCN NO.
10081 HELD BY JOHNSON
COUNTY SPECIAL UTILITY
DISTRICT

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2021 JUN 10 FILED: 10
PUBLIC UTILITY COMMISSION
OF TEXAS

RESPONSE TO PETITION

**TO THE HONORABLE MEMBERS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS:**

NOW COMES Johnson County Special Utility District (“JCSUD”), in the above styled and numbered cause, and makes and files this, its Response to Petition, and would respectfully show the PUC as Follows:

**I.
BACKGROUND**

Petitioner is correct in that Texas Water Code (TWC) §13.2541 provides for an automatic release from JCSUD’s water certificate of convenience and necessity (“CCN”). However, §13.2541(g) provides for the procedure for determining the amount of compensation to the CCN holder, in this case JCSUD associated with loss of service area created by the decertification request and the costs associated with stranded service connections that will result because of any decertification.

According to the statute, the petition and certificate holder are to agree upon an appraiser to ascertain the compensation to be paid to the certificate holder no later than 10 days following the PUC’s grant of the petition (which is statutorily required within 60 days of the filing of the petition). If the parties are unable to agree upon an appraiser, then each party retains their own appraiser and the PUC appoints a third appraiser.

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Within 70 days of approval of the petition, each party must submit their appraisal report and within 100 days the commission must appoint the third appraiser. The appraisers are required to consider the factors delineated in §13.254(g) to determine the amount of compensation to the certificate holder.

JCSUD believes the parties may come to an agreement regarding the amount of compensation or the joint appointment of an appraiser. In the event an agreement cannot be reached, then JCSUD requests the PUC to set a deadline of submission of appraisal reports 70 days after the commission's approval of the petition, and to appoint a third appraiser within 100 days of approval of the petition.

**V.
PRAYER**

WHEREFORE PREMISES CONSIDERED, JCSUD requests the PUC enter an order requiring Petitioner to compensate JCSUD for its loss associated with the Petition, along with all other statutory required compensation within the statutory deadlines and grant JCSUD such further relief to which JCSUD is justly entitled.

Respectfully submitted,

/s/ D. Scott Cain

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**ATTORNEYS FOR JOHNSON COUNTY
SPECIAL UTILITY DISTRICT**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been forwarded this day by to all parties of record on this the 10th day of June, 2021.



D. Scott Cain