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DOCKET NO. 52160

**PETITION OF SEWELL FAMILY §
PARTNERSHIP, LTD. TO AMEND §
JOHNSON COUNTY SPECIAL §
UTILITY DISTRICT'S CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN TARRANT COUNTY BY §
EXPEDITED RELEASE §**

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PUBLIC UTILITY COMMISSION
OF TEXAS
REG. CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On May 25, 2021, Sewell Family Partnership, Ltd. (Sewell Family) filed a petition for streamlined expedited release from Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) number 10081 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Sewell Family asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant, which is a qualifying county.

On May 26, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of June 25, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Sewell Family stated in its filing that it mailed a copy of its petition to the CCN holder, Johnson County SUD, by certified mail on the day the petition was filed with the Commission. Sewell Family also included

an affidavit attesting to this provision of notice to Johnson County SUD. Accordingly, Staff recommends that the notice is sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Johnson County SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Johnson County SUD's response and Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and Johnson County SUD can select an agreed-upon appraiser</i>	
Deadline for petitioner and Johnson County SUD to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Johnson County SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Johnson County SUD	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Johnson County SUD are unable to select an agreed-upon appraiser</i>	

Deadline for petitioner and <i>Johnson County SUD</i> to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and <i>Johnson County SUD's</i> appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to <i>Johnson County SUD</i>	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to <i>Johnson County SUD</i>	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

¹ TWC § 13.2541(i).

² It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: June 25, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Forrest Smith
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 25, 2021

RE: Docket No. 52160 – *Petition of Sewell Family Partnership, Ltd. to Amend Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County by Expedited Release*

On May 25, 2021, Sewell Family Partnership, Ltd. (Sewell Family) filed a petition for streamlined expedited release from Johnson County Special Utility District's (Johnson County SUD) water certificate of convenience and necessity (CCN) No. 10081 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Sewell Family asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county.

Sewell Family submitted a sworn affidavit attesting that the property is not receiving water service from Johnson County SUD and a warranty deed confirming Sewell Family's ownership of the tract of land. In addition, Sewell Family submitted sufficient maps and digital data for determining the location of the requested release area within Johnson County SUD's certificated service area. The entire tract of land is approximately 297 acres. The requested area to be released from Johnson County SUD (CCN No. 10081) is approximately 293.5 acres.

The petition also includes a certificate of service indicating that a copy of the petition was sent via certified mail to Johnson County SUD on the date the petition was filed with the Commission. Johnson County SUD submitted a response to the streamlined expedited release request and stated they believe they will come to an agreement regarding compensation with the Sewell Family.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information submitted by Sewell Family in the petition, I recommend that the petition be deemed administratively complete and accepted for filing.