



## Filing Receipt

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**DOCKET NO. 52394**

<b>PETITION OF BRYAN FRENCHAK</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND PORTER MUNICIPAL</b>	<b>§</b>	
<b>UTILITY DISTRICT’S CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN MONTGOMERY COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On August 5, 2021, Bryan Frenchak filed a petition for streamlined expedited release from Porter Municipal Utility District’s (Porter MUD) water Certificate of Convenience and Necessity (CCN) No. 20573 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Mr. Frenchak asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Mr. Frenchak filed supplemental information on November 31, 2021.

On January 12, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of February 11, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition be found to be administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the petition.

**II. SUFFICIENCY OF NOTICE**

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. Mr. Frenchak stated that he mailed a copy of his petition to the CCN holder, Porter MUD, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice be found to be sufficient.

### III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is a 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 Porter MUD 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 Porter MUD'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
<b><i>In the event streamlined expedited release is granted and petitioner and Porter MUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Porter MUD 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 Porter MUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Porter MUD	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Porter MUD are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Porter MUD 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 <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
<del>Deadline for reports from petitioner's appraiser and Porter MUD's appraiser.</del>	<del>Within 70 days after the Commission approves streamlined expedited release</del>
<del>Deadline for Staff's appraiser's report</del>	<del>Within 100 days after the Commission approves streamlined expedited release</del>

<sup>1</sup> 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 Porter MUD are unable to agree, and can't make this filing, Staff may need additional time to file its appraiser's report.

Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Porter MUD	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Porter MUD	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.

Dated: 2022-02-11

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 on February 11, 2022, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker

R. Floyd Walker

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Floyd Walker, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** February 11, 2022

**RE:** Docket No. 52394 – *Petition of Bryan Frenchak to Amend Porter Municipal Utility District's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

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On August 5, 2021, Bryan Frenchak filed a petition for streamlined expedited release from Porter Municipal Utility District's (Porter MUD) sewer certificate of convenience and necessity (CCN) No. 20573 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Mr. Frenchak asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Montgomery County, which is a qualifying county.

Mr. Frenchak submitted a sworn affidavit attesting that the property was not receiving sewer service from Porter MUD and a warranty deed confirming Mr. Frenchak's ownership of the tract of land.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Porter MUD on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes, Infrastructure Division, the mapping documentation submitted on August 5, 2021 (Item 1) and November 30, 2021 (Item 7) are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Porter MUD's sewer CCN. Tracy Montes determined the following: The landowner's total property is approximately 99.8 acres. The tract of land in the petition for streamlined expedited release is approximately 99.8 acres, of which 96.3 acres overlap Porter MUD (CCN No. 20573) and are to be decertified from CCN No. 20573.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by Mr. Frenchak, I recommend the petition be deemed administratively complete and accepted for filing.