



Filing Receipt

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| PETITION OF NEIMANN FARM | § | PUBLIC UTILITY COMMISSION |
| PARTNERS, LP TO AMEND POLONIA | § | |
| WATER SUPPLY CORPORATION'S | § | OF TEXAS |
| CERTIFICATE OF CONVENIENCE | § | |
| AND NECESSITY IN CALDWELL | § | |
| COUNTY BY EXPEDITED RELEASE | § | |

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

On August 25, 2021, Neimann Farm Partners, LP (Neimann) filed a petition for streamlined expedited release from Polonia Water Supply Corporation's (Polonia WSC) Certificate of Convenience and Necessity (CCN) No. 10420 pursuant to Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Neimann asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Caldwell County, which is a qualifying county.

On August 26, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of September 22, 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 Neimann's petition and, as detailed in the attached memorandum from Pai Liu of the Infrastructure Division, recommends that the petition be found 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. Neimann stated in its filing that it mailed a copy of its petition to the CCN holder, Polonia WSC, by certified mail on the day the petition was filed with the Commission. Neimann also included the cover letter

addressed to Polonia WSC supporting this provision of notice to Polonia WSC. 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 Polonia WSC 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 Neimann to file a reply to both Polonia WSC'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 Neimann and Polonia WSC can select an agreed-upon appraiser</i> | |
| Deadline for Neimann and Polonia WSC 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 Neimann to Polonia WSC | Within 60 days after appraiser's report |
| Deadline for petitioner to pay any compensation due to Polonia WSC | Within 90 days of the Commission's final order on compensation |
| <i>In the event streamlined expedited release is granted and Neimann and Polonia WSC are unable to select an agreed-upon appraiser</i> | |
| Deadline for Neimann and Polonia WSC 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 | Within 10 days after the Commission approves streamlined expedited release? |

It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure services from a Commission 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.

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|---|---|
| Deadline for reports from Neimann's appraiser and Polonia WSC's 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 Neimann to Polonia WSC | Within 60 days after the Commission receives the final appraisal |
| Deadline for Neimann to pay any compensation due to Polonia WSC | 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: September 22, 2021

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 September 22, 2021 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

Memorandum

TO: Floyd Walker, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: September 22, 2021

RE: Docket No. 52474 – *Petition of Neimann Farm Partners, LP to Amend Polonia Water Supply Corporation's Certificate of Convenience and Necessity in Caldwell County by Expedited Release.*

On August 25, 2021, Neimann Farm Partners, LP (Neimann) filed a petition for streamlined expedited release from Polonia Water Supply Corporation's (Polonia WSC) water certificate of convenience and necessity (CCN) No. 10420 in Caldwell County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Neimann asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Caldwell County, which is a qualifying county.

Neimann submitted a sworn affidavit attesting that the property was not receiving water service from Polonia WSC and a warranty deed confirming Neimann's ownership of the tract of land. Based on the mapping review by Tracy Montes, Infrastructure Division, the mapping documentation submitted with the petition on August 25, 2021 is sufficient for determining that the tract of land considered for streamlined expedited release is located within Polonia WSC's water CCN.

Based on the mapping review by Ms. Montes, it was determined the tract of land is approximately 205.8 acres. The area to be released from Polonia WSC (CCN No. 10420) is approximately 205.3 acres.

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

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