



## Filing Receipt

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**DOCKET NO. 52556**

<b>PETITION OF MONTGOMERY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ESTATES, LLC TO AMEND GULF</b>	<b>§</b>	
<b>COAST AUTHORITY'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN CHAMBERS</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

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

On September 13, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release from Gulf Coast Authority's (Gulf Coast) sewer certificate of convenience and necessity (CCN) number 20465 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Chambers County, which is a qualifying county.

On September 15, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 13, 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 Patria 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. Montgomery Estates stated that it mailed a copy of its petition to the CCN holder, Gulf Coast, by certified mail on the day the petition was filed with the Commission. Montgomery Estates also included an affidavit

attesting to this provision of notice to Gulf Coast. Accordingly, Staff recommends that the notice be found 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.

<b>Event</b>	<b>Date</b>
Deadline for Gulf Coast 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 Montgomery Estates to file a reply to both Gulf Coast'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 Gulf Coast can select an agreed-upon appraiser</i></b>	
Deadline for Montgomery Estates and Gulf Coast 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 Gulf Coast	Within 60 days after appraiser's report
Deadline for Montgomery Estates to pay any compensation due to Gulf Coast	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Gulf Coast are unable to select an agreed-upon appraiser</i></b>	

Deadline for Montgomery Estates and Gulf Coast 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>
Deadline for reports from Montgomery Estates' appraiser and Gulf Coast'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 petitioner to Gulf Coast	Within 60 days after the Commission receives the final appraisal
Deadline for Montgomery Estates to pay any compensation due to Gulf Coast	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.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</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 CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: October 13, 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 via electronic mail on October 13, 2021, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison  
John Harrison

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** John Harrison, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** October 13, 2021

**RE:** Docket No. 52556 – *Petition of Montgomery Estates, LLC to Amend Gulf Coast Authority's Certificate of Convenience and Necessity in Chambers County by Expedited Release*

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On September 13, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release from Gulf Coast Authority's (Gulf Coast) sewer certificate of convenience and necessity (CCN) No. 20465 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Chambers County, which is a qualifying county.

Montgomery Estates submitted a sworn affidavit attesting that the property was not receiving sewer service from Gulf Coast and a warranty deed confirming Montgomery Estates' ownership of the tract of land. Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on September 13, 2021 are sufficient for determining that the tract of land considered for streamlined expedited release is located within Gulf Coast's sewer CCN.

Based on the mapping review by Mr. Horton, it was determined that the entire tract of land is approximately 147 acres. The area to be released from Gulf Coast Authority (CCN No. 20465) is approximately 147 acres.

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

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