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DOCKET NO. 52630

PETITION OF GJGTEB HOLDINGS,	§	PUBLIC UTILITY COMMISSION
LLC TO AMEND CREEDMOOR-MAHA	§	
WATER SUPPLY CORPORATION'S	§	OF TEXAS
WATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
CALDWELL COUNTY BY EXPEDITED	§	
RELEASE	§	

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

On September 23, 2021, GJGTEB Holdings, LLC (GJGTEB Holdings) filed a petition for streamlined expedited release from Creedmoor-Maha Water Supply Corporation's (Creedmoor-Maha WSC) water Certificate of Convenience and Necessity (CCN) No. 11029 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). GJGTEB Holdings 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 September 27, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 25, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on 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 Pai Liu, 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 was mailed to the current CCN holder via certified mail on the day that the landowner filed the petition with the Commission. GJGTEB Holdings provided documentation and attested in an affidavit that it mailed a copy of its petition to the CCN holder,

Creedmoor-Maha WSC, by certified mail on the day the petition was filed with the Commission. 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 Creedmoor-Maha 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 ¹
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 Creedmoor-Maha WSC's response and Staff's recommendation on final disposition ²	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 Creedmoor-Maha WSC can select an agreed-upon appraiser</i>	
Deadline for petitioner and Creedmoor-Maha 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 petitioner to New Progress WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Creedmoor-Maha WSC	Within 90 days of the Commission's final order on compensation

¹ 16 TAC § 24.245(h)(6); Staff notes that this date will conflict with the procedural schedule established in Order No. 1, which set a deadline of November 1, 2021 for Creedmoor-Maha WSC to file a response.

² Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

<i>In the event streamlined expedited release is granted and petitioner and Creedmoor-Maha WSC are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Creedmoor-Maha 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 ³	Within 10 days after the Commission approves streamlined expedited release ⁴
Deadline for reports from petitioner's appraiser and Creedmoor-Maha 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 petitioner to Creedmoor-Maha WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Creedmoor-Maha 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.

³ TWC § 13.2541(i).

⁴ 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 25, 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 October 25, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: October 25, 2021

RE: Docket No. 52630 – *Petition of GJGTEB Holdings, LLC to Amend Creedmoor-Maha Water Supply Corporation's Water Certificate of Convenience and Necessity in Caldwell County by Expedited Release*

On September 23, 2021, GJGTEB Holdings, LLC (GJGTEB Holdings) filed a petition for streamlined expedited release from Creedmoor-Maha Water Supply Corporation's (Creedmoor-Maha WSC) water Certificate of Convenience and Necessity (CCN) No. 11029 in Caldwell County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). GJGTEB Holdings 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.

GJGTEB Holdings submitted a sworn affidavit attesting that the property was not receiving water service from Creedmoor-Maha WSC and a warranty deed confirming GJGTEB Holdings' ownership of the tract of land. Based on the mapping review by Gary Horton, Infrastructure Division, the mapping documentation submitted with the petition on September 23, 2021 is sufficient for determining that the location of the tract of land considered for streamlined expedited release is located within Creedmoor-Maha WSC's water CCN.

Based on the mapping review by Mr. Horton it was determined the tract of land to be released from Creedmoor-Maha WSC's CCN No. 11029 is approximately 194 acres.

The petition also includes a statement and documentation indicating a copy of the petition was sent via certified mail to Creedmoor-Maha WSC on the date the petition was filed with the Commission. The aforementioned sworn affidavit also attested to this provision of notice.

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