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DOCKET NO. 52639

PETITION OF CR FARMS, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND TARKINGTON SPECIAL	§	
UTILITY DISTRICT'S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN LIBERTY COUNTY BY EXPEDITED	§	
RELEASE	§	

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, CR Farms, LLC owes compensation to Tarkington Special Utility District under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed portions of two tracts of land from Tarkington's certificated service area under certificate of convenience and necessity (CCN) number 11448. The Commission's determination on compensation is based on an agreement between CR Farms and Tarkington.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. CR Farms is a Texas limited liability company registered with the Texas secretary of state under filing number 803060340.

CCN Holder

2. Tarkington is a special utility district operating under chapter 65 of the Texas Water Code (TWC).
3. Tarkington holds water CCN number 11448 that obligates it to provide retail water service in its certificated service area in Liberty County.

Petition

4. On September 27, 2021, the petitioner filed a petition for streamlined expedited release of multiple portions of two tracts of land from the CCN holder's service area under CCN number 11448.

5. In an Order filed on June 16, 2022, the Commission granted the petition and released the portions of the two tracts of land from the CCN holder's certificated service area.
6. Ordering paragraph seven stated that, if streamlined expedited release was granted, this docket would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 3.

Appraisers and Appraisals

7. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

8. On March 1, 2022, the petitioner and the CCN holder filed a joint filing regarding compensation, in which they agreed that compensation is owed to the CCN holder as a result of the streamlined expedited release.
9. In the agreement, the petitioner and the CCN holder have agreed that \$337,423.80 is owed for the streamlined expedited release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(1), if the petitioner and CCN holder agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. Compensation in the amount of \$337,423.80 is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.

7. The Commission processed the petition in accordance with the TWC and Commission rules.


III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The petitioner must pay to the CCN holder compensation in the amount of \$337,423.80 within 90 days from the date of this Notice of Approval.¹
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 27th day of June 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.