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DOCKET NO. 52693

PETITION OF ROSENDO L. GARCIA,	§	PUBLIC UTILITY COMMISSION
ISABEL R. GARCIA, AND NICHOLAS	§	
R. GARCIA TO AMEND AQUA WATER	§	OF TEXAS
SUPPLY CORPORATION’S SEWER	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN BASTROP AND	§	
TRAVIS COUNTIES BY	§	
STREAMLINED 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, the petitioners, Rosendo L. Garcia, Isabel R. Garcia, and Nicholas R. Garcia owe no compensation to Aqua Water Supply Corporation under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Aqua WSC’s certificate of convenience and necessity (CCN) number 20962. The Commission’s determination on compensation is based on the fact that Aqua WSC failed to timely file an appraisal report or a statement of the amount of agreed compensation.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Rosendo L. Garcia, Isabel R. Garcia, and Nicholas R. Garcia are individuals and co-owners of land in Bastrop and Travis counties.

CCN Holder

2. Aqua WSC is a Texas nonprofit corporation registered with the Texas secretary of state under filing number 25894701 and operating under chapter 67 of the Texas Water Code (TWC).
3. Aqua WSC holds CCN number 20962 that obligates it to provide retail sewer service in its certificated service area in Bastrop and Travis counties.

Petition

4. On October 12, 2021, the petitioners filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 20962.
5. In Order No. 7 filed on June 10, 2022, the Commission granted the petition and released the tract of land from the CCN holder's certificated service area.
6. Ordering paragraph seven of Order No. 7 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. 6 filed on May 6, 2022.

Appraisals or Statement of the Amount of Agreed Compensation

7. Neither the CCN holder nor the petitioners filed an appraisal report or a statement of the amount of agreed compensation within 70 days after the Commission granted release.

Compensation

8. Because the CCN holder did not file an appraisal report or a statement of the amount of agreed compensation within 70 days after the Commission granted release, no compensation is owed for the 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), (2), and (4), the petitioner and CCN holder must each either report on an agreed amount of compensation or file appraisal reports within 70 days after the Commission grants streamlined expedited release.

6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report or a statement of the amount of agreed compensation within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
7. No compensation is owed by the petitioners to the CCN holder for the release under TWC § 13.2541.
8. 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. No compensation is owed by the petitioners to the CCN holder for the streamlined expedited release.
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 26th day of August 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE