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DOCKET NO. 52696

PETITION OF FIRMITAS	§	PUBLIC UTILITY COMMISSION
INVESTMENTS, LLC TO AMEND	§	
GUADALUPE-BLANCO RIVER	§	OF TEXAS
AUTHORITY'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
COMAL COUNTY BY EXPEDITED	§	
RELEASE	§	

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

On October 12, 2021, Firmitas Investments, LLC (Firmitas) filed a petition for streamlined expedited release from Guadalupe-Blanco River Authority's (GBRA) sewer certificate of convenience and necessity (CCN) No. 20892 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Firmitas asserts that the land to be released is at least 25 acres, is not receiving water or sewer service, and is in Comal County, which is a qualifying county. On October 19, 2021, Firmitas filed supplemental filings in the docket. On November 23, 2021, Firmitas filed a response to Order No. 2. On November 30, 2021, the administrative law judge (ALJ) granted GBRA's motion to intervene.

On November 12, 2021, the ALJ filed Order No. 2, establishing a deadline of January 6, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on sufficiency of the petition and the sufficiency of notice, and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the 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. NOTICE SUFFICIENCY

Along with its petition, counsel for Firmitas submitted a certificate of service, which certified that a copy of the petition was sent via certified mail to GBRA on October 12, 2021. Staff

recommends that Firmitas’ notice meets the requirements of 16 TAC § 24.245(h)(3)(F), and should 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.

Event	Date
Deadline for GBRA 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 petitioner to file a reply to GBRA’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 petitioner and GBRA can select an agreed-upon appraiser</i>	
Deadline for petitioner and GBRA 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 GBRA	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to GBRA	Within 90 days of the Commission’s final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and GBRA are unable to select an agreed-upon appraiser</i>	
<p>Deadline for petitioner and GBRA 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.</p> <p><small>FWC § 13.2541(b). It is critical for Staff to know as soon as possible after the cost of Commission Staff’s appraiser 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.</small></p>	<p>Within 10 days after the Commission approves streamlined expedited release² the Commission grants the petition whether Staff</p>

Deadline for reports from petitioner's appraiser and GBRA'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 GBRA	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to GBRA	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: January 5, 2022

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 January 5, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: January 6, 2021

RE: Docket No. 52696 – *Petition of Firmitas Investments, LLC to Amend Guadalupe-Blanco River Authority’s Certificate of Convenience and Necessity in Comal County by Expedited Release*

On October 12, 2021, Firmitas Investments LLC (Firmitas) filed a petition for streamlined expedited release from Guadalupe-Blanco River Authority's (GBRA) water certificate of convenience and necessity (CCN) No. 20892 in Comal County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Firmitas asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Comal County, which is a qualifying county.

Firmitas submitted a sworn affidavit attesting that the property was not receiving water service from GBRA and a warranty deed confirming Firmitas’s ownership of the tract of land. Based on the mapping review by Tracy Montes, of the Infrastructure Division, the detailed map (survey plat map) and the digital mapping data (Items 3 and 4) filed on October 19, 2021, and the general location map filed on November 23, 2021 (Item 9), the petition is sufficient.

The tract of land considered for release from GBRA is approximately 100 acres.

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

Based on the mapping review by Tracy Montes, of the Infrastructure Division, and my technical and managerial review of the additional information provided by Firmitas on November 23, 2021, I recommend the petition be deemed sufficient for filing and found administratively complete.