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DOCKET NO. 52733

PETITION OF TROY BRADSHAW TO	§	PUBLIC UTILITY COMMISSION
AMEND PARKER WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
JOHNSON AND HILL COUNTIES BY	§	
EXPEDITED RELEASE	§	

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

On October 20, 2021, Troy Bradshaw (Petitioner) filed a petition for streamlined expedited release from Parker Water Supply Corporation's (Parker WSC) certificate of convenience and necessity (CCN) No. 10911 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Mr. Bradshaw asserts that the land to be released is at least 25 contiguous acres, is not receiving sewer service, and is located in Johnson and Hill Counties. Johnson County is a qualifying county which qualifies the entire tract for streamlined expedited release. According to the 2010 Census,¹ Johnson County has a population of 150,934.² Additionally, Johnson County is adjacent to Tarrant County, which has a population of 1,809,034.³ 16 TAC § 24.245(h)(1)(C) requires at least part of the tract of land be located within a qualifying county. As the tract of land is in both Johnson and Hill Counties, the portion of the tract within Hill County is also qualified for streamlined expedited release.

On November 23, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of January 24, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments regarding the administrative completeness of the petition and propose a procedural schedule. Therefore, this pleading is timely filed.

¹ See Tex. Gov't Code § 2058.0021 for applicability of 2010 Census in determination whether the land is in a qualifying county.

² U.S. Census Bureau, Census Data for Johnson County, QuickFacts Johnson County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/johnsoncountytexas/PST045221> (last accessed Jan. 24, 2022).

³ U.S. Census Bureau, Census Data for Tarrant County, QuickFacts Tarrant County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/tarrantcountytexas/PST045221> (last accessed Jan. 24, 2022).

I. RECOMMENDATION ON SUFFICIENCY

Staff has reviewed the supplemented petition and, as detailed in the attached memorandum from Patricia Garcia 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. PROPOSED 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 Parker 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
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 Parker WSC'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 Parker WSC can select an agreed-upon appraiser</i>	
Deadline for petitioner and Parker 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 Parker WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Parker WSC	Within 90 days of the Commission's final order on compensation

<i>In the event streamlined expedited release is granted and petitioner and Parker WSC are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Parker 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 ⁴	Within 10 days after the Commission approves streamlined expedited release ⁵
Deadline for reports from petitioner's appraiser and Parker 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 Parker WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Parker WSC	Within 90 days of the Commission's final order on compensation

III. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented petition be found administratively complete and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

⁴ TWC § 13.2541(i).

⁵ 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: January 24, 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 on January 24, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: January 24, 2022

RE: Docket No. 52733 – *Petition of Troy Bradshaw to Amend Parker Water Supply Corporation's Certificate of Convenience and Necessity in Johnson and Hill Counties by Expedited Release*

On October 20, 2021, Troy Bradshaw filed a petition for streamlined expedited release from Parker Water Supply Corporation's (Parker WSC) water certificate of convenience and necessity (CCN) No. 10911 in Johnson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Mr. Bradshaw asserts that the land is at least 25 contiguous acres, is not receiving water service, and a portion of the tract is located in Johnson and Hill Counties. Johnson County is a qualifying county which qualifies the entire tract for streamlined expedited release.

Mr. Bradshaw submitted a sworn affidavit attesting that the property was not receiving water service from Parker WSC and a warranty deed confirming Mr. Bradshaw's ownership of the tract of land. Based on the mapping review by Gary Horton of the Infrastructure Division, the maps submitted with Item 4 on November 22, 2021 are sufficient for determining that the location of the tract of land considered for streamlined expedited release is located within Parker WSC's water CCN.

Based on the mapping review by Mr. Horton, it was determined the landowner's total property is approximately 201 acres. The tract of land to be released is approximately 201 acres, of which approximately 201 acres overlap Parker WSC, CCN No. 10911, and are to be decertified from CCN No. 10911.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Parker WSC 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 additional information provided by Mr. Bradshaw on November 22, 2021, I recommend the petition be deemed administratively complete and accepted for filing.