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PETITION OF MCCART ST, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND CITY OF DENTON'S	§	
CERTIFICATES OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN DENTON	§	
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, McCart St., LLC owes no compensation to the City of Denton under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Denton's certificated service areas under water certificate of convenience and necessity (CCN) number 10195 and sewer CCN number 20072. The Commission's determination on compensation is based on the fact that Denton failed to timely file an appraisal report.

I.   Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1.   McCart is a Delaware limited liability company registered with the Texas secretary of state under filing number 804234840.

CCN Holder

2.   Denton is a municipality located in Denton County.

3.   Denton holds CCN numbers 10195 and 20072 that obligate it to provide retail water and sewer services in its certificate service areas in Denton County.

Petition

4.   On October 29, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service areas under CCN numbers 10195 and 20072.

5.   On February 17, 2022, the Commission granted the petition and released the tract from the CCN holder's certificated service areas.

6.   Ordering paragraph seven of Order No. 4 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. 2.

Appraisers and Appraisals

7.   On April 28, 2022, the petitioner filed the appraisal report of Dan V. Jackson, of Willdan Financial Services.

8.   The CCN holder did not file an appraisal report.

Compensation

9.   Because the CCN holder did not file an appraisal report 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)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraisal report 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 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 petitioner 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 petitioner 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 2nd day of May 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE