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DOCKET NO. 52774

PETITION OF MCCART ST, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND CITY OF DENTON’S	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN DENTON	§	
COUNTY BY EXPEDITED RELEASE	§	

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

On October 29, 2021, McCart St, LLC (McCart St) filed a petition for streamlined expedited release from the City of Denton’s (Denton) water and sewer certificate of convenience and necessity (CCN) numbers 10195 and 20072 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). McCart St asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On November 1, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of November 30, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum of Patricia Garcia, 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

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. McCart St stated that it mailed a copy of its petition to the CCN holder, Denton, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice 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 Denton 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 Denton'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 Denton can select an agreed-upon appraiser</i>	
Deadline for petitioner and Denton 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 New Progress WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Denton	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Denton are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Denton 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 ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and Denton'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 Denton.	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Denton	Within 90 days of the Commission's final order on compensation
¹ TWC § 13.25410). ² If for petition for Staff pay any compensation after the Commission grants the petition, Staff needs to secure the services of a third appraiser. If the petitioner and ECN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.	

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: 2021-11-30

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ R. Floyd Walker
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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 November 30, 2021 in accordance with the Second Order Suspending Rules filed in Project No. 50664.

/s/ R. Floyd Walker
R. Floyd Walker

Public Utility Commission of Texas

Memorandum

TO: Floyd Walker, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: November 30, 2021

RE: Docket No. 52774 – *Petition of McCart St, LLC to Amend City of Denton's Certificates of Convenience and Necessity in Denton County by Expedited Release*

On October 29, 2021, McCart St, LLC (McCart St) filed a petition for streamlined expedited release from City of Denton's (Denton) water and sewer certificates of convenience and necessity (CCN) Nos. 10195 and 20072, respectively, in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). McCart St asserts that the land is at least 25 contiguous acres, is not receiving water or sewer service, and is located in Denton County, which is a qualifying county.

McCart St submitted a sworn affidavit attesting that the property was not receiving water or sewer service from Denton and a warranty deed confirming McCart St's ownership of the tract of land. Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on October 29, 2021 are sufficient for determining the location of the tract of land considered for streamlined expedited release, and that it is located within Denton's water and sewer CCN service areas.

The entire tract of land is approximately 298 acres. The portion of the tract considered for release is approximately 251.2 acres. The portion of the tract considered for release that overlaps City of Denton (CCN Nos. 10195 & 20072) is approximately 250.6 acres.

The area to be released from City of Denton (CCN Nos. 10195 & 20072) is approximately 250.6 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Denton 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 information provided by McCart St, I recommend the petition be deemed administratively complete and accepted for filing.