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DOCKET NO. 52774

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	§	

ORDER NO. 2
FINDING PETITION ADMINISTRATIVELY COMPLETE AND NOTICE
SUFFICIENT, AND ESTABLISHING PROCEDURAL SCHEDULE

This Order addresses the sufficiency of the petition and notice filed by McCart St. LLC to amend City of Denton’s certificates of convenience and necessity (CCNs) in Denton County by streamlined expedited release.

I. Finding Application Administratively Complete and Notice Sufficient

On November 30, 2021, Commission Staff recommended that the petition be found administratively complete and notice sufficient. The administrative law judge (ALJ) finds the petition administratively complete and notice sufficient.

II. Establishing Procedural Schedule

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	December 20, 2021
Deadline for Commission Staff's recommendation on final disposition	January 4, 2022
Deadline for the petitioner to file a reply to both the CCN holder's response and Commission Staff's recommendation on final disposition	January 11, 2022
Sixty-day administrative approval of streamlined expedited release	January 31, 2022 ¹
<i>In the event streamlined expedited release is granted and the petitioner and the CCN holder can select an agreed-upon appraiser</i>	
Deadline for the petitioner and the CCN holder 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 the petitioner to the CCN holder	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and the petitioner and the CCN holder are unable to select an agreed-upon appraiser</i>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from the petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission 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 the petitioner to the CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of Commission's final order on compensation

¹ The 60-day administrative approval deadline falls on a Saturday, January 29, 2022. The deadline moves to the next day the Commission is open for business, Monday, January 31, 2022, under 16 TAC § 22.4(a).

Signed at Austin, Texas the 30th day of November 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE