



## Filing Receipt

**Received - 2022-03-10 10:51:13 AM**  
**Control Number - 53201**  
**ItemNumber - 3**

**DOCKET NO. 53201**

<b>PETITION OF 2021 FII WALNUT</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SPRINGS, LLC TO AMEND SPRINGS</b>	<b>§</b>	
<b>HILL WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION’S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>GUADALUPE COUNTY BY</b>	<b>§</b>	
<b>STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

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

On February 8, 2022, 2021 FII Walnut Springs, LLC (FII Walnut Springs) filed a petition for streamlined expedited release from Springs Hill Water Supply Corporation’s (Springs Hill) water Certificate of Convenience and Necessity (CCN) No. 10666 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). FII Walnut Springs asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe County, which is a qualifying county.

On February 9, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of March 10, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding 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 from James Harville, Infrastructure Division, recommends that the application be found administratively complete, with the exception of Tract 2. Specifically, there are three noncontiguous tracts of land in the petition and Tract 2 is only 0.19 acres, below the 25 acre requirement. As such, Tract 2 does not qualify for release. Staff’s recommendation on administrative completeness is not a comment on the merits of the application.

**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. In a signed certificate of service included in the petition, FII Walnut Springs certified that it mailed a true and correct copy of its petition to the CCN holder, Springs Hill, by certified mail on the date the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

### **III. 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 an order finding the petition administratively complete. Please note that this represents a change in Staff's recommended standard procedural schedule for streamlined expedited release dockets and what Staff will be recommending on such dockets moving forward.<sup>1</sup>

<b>Event</b>	<b>Date</b>
Deadline for Springs Hill 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 petitioner to file a reply to Springs Hill's response	27 days from the date of the order finding the petition administratively complete
Deadline for 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
<b><i>In the event streamlined expedited release is granted and petitioner and Springs Hill can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Springs Hill to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release

---

<sup>1</sup> *Petition of E Real Estate, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release (Tract 3)*, Docket No. 52532, Commission Staff's Response to Order No. 7 and Notice of Intent to Change Recommendation to Standard Procedural Schedule for Streamlined Expedited Release Dockets (Mar. 3, 2022).

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 Springs Hill	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Springs Hill	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Springs Hill are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Springs Hill 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 <sup>2</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>3</sup>
Deadline for reports from petitioner's appraiser and Springs Hill'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 Springs Hill	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Springs Hill	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that FII Walnut Springs' petition be found administratively complete and that the proposed procedural schedule be adopted.

---

<sup>2</sup> TWC § 13.2541(i).

<sup>3</sup> 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: March 10, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
State Bar No. 24098103  
Bradley Reynolds  
State Bar No. 24125839  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Scott.Miles@puc.texas.gov

**DOCKET NO. 53201**

**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 March 10, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Scott Miles and Brad Reynolds, Attorneys  
Legal Division

**FROM:** James Harville, Infrastructure Analyst  
Infrastructure Division

**DATE:** March 10, 2022

**RE:** Docket No. 53201 – *Petition of 2021 FII Walnut Springs, LLC to Amend Springs Hill Water Supply Corporation's Certificate of Convenience and Necessity in Guadalupe County by Streamlined Expedited Release*

---

On February 8, 2022, FII Walnut Springs, LLC (FII Walnut Springs) filed a petition for streamlined expedited release from Springs Hill Water Supply Corporation's (Springs Hill) water Certificate of Convenience and Necessity (CCN) No. 10666 in Guadalupe County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). FII Walnut Springs asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Guadalupe County, which is a qualifying county.

FII Walnut Springs submitted a sworn affidavit attesting that the tract of land was not receiving water service from Springs Hill and a warranty deed confirming ownership of the landowner's total property. FII Walnut Springs included a statement indicating a copy of the petition was sent via certified mail to Springs Hill on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted with Item 1 on February 8, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Springs Hill's water CCN. Gary Horton determined the following:

The landowner's total property is approximately 200.81 acres divided into three non-contiguous areas. The 0.19 acre area does not meet the 25-acre requirement. The tract of land in the petition for streamlined expedited release is approximately 200.62 acres, of which approximately 200.62 acres overlap Springs Hills WSC (CCN No. 10666) and would be decertified from CCN No. 10666.

Based on my technical and managerial review and the mapping review by Gary Horton of the information provided by FII Walnut Springs, I recommend the petition be deemed administratively complete and accepted for filing.