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DOCKET NO. 53208

PETITION OF FALCON PLACE SF,	§	PUBLIC UTILITY COMMISSION
LTD TO AMEND MOUNT ZION	§	
WATER SUPPLY CORPORATION’S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN ROCKWALL	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On February 11, 2022, Falcon Place SF, LTD (Falcon Place) filed a petition for streamlined expedited release from Mount Zion Water Supply Corporation’s (Mount Zion WSC) water Certificate of Convenience and Necessity (CCN) No. 10088 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Falcon Place asserts that the land is at least 25 contiguous acres, is not receiving water or sewer service, and is located in Rockwall County, which is a qualifying county. Falcon Place filed supplemental information on February 28, 2022 and March 18, 2022.

On March 10, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of April 7, 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 supplemental petition and, as detailed in the attached memorandum from Pai Liu of the Commission’s Infrastructure Division, recommends that the petition is 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. In a signed certificate

of service included in the petition, Falcon Place stated that it mailed a copy of its petition to the CCN holder, Mount Zion WSC, by certified mail on the day 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.¹

Event	Date
Deadline for Mount Zion 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 petitioner to file a reply to Mount Zion WSC'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
<i>In the event streamlined expedited release is granted and petitioner and Mount Zion WSC can select an agreed-upon appraiser</i>	
Deadline for petitioner and Mount Zion 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

¹ *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 Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Mount Zion WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Mount Zion WSC	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Mount Zion WSC unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Mount Zion 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 ²	Within 10 days after the Commission approves streamlined expedited release ³
Deadline for reports from petitioner's appraiser and Mount Zion 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 Mount Zion WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Mount Zion WSC	Within 90 days of the Commission's final order on compensation

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.

² TWC § 13.2541(i).

³ 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: April 7, 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 via electronic mail on April 7, 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: Jenna Keller, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: April 7, 2022

RE: Docket No. 53208 – *Petition of Falcon Place SF, LTD to Amend Mount Zion Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Streamlined Expedited Release*

On February 11, 2022, Falcon Place SF, LTD (Falcon Place) filed a petition for streamlined expedited release from Mount Zion Water Supply Corporation's (Mount Zion WSC) water Certificate of Convenience and Necessity (CCN) No. 10088 in Rockwall County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Falcon Place asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall County, which is a qualifying county.

Falcon Place submitted a sworn affidavit attesting that the tract of land was not receiving water service from Mount Zion WSC and warranty deeds confirming ownership of the landowner's total properties. Falcon Place also submitted additional documentation, including its Owner's Policy of Title Insurance to support the deeds confirming ownership. Falcon Place included a statement indicating a copy of the petition was sent via certified mail to Mount Zion WSC on the date the petition was filed with the Commission.

Based on the mapping review by Hank Journeay and Tracy Montes, Infrastructure Division, the digital data submitted with Item 3, the detailed map submitted with Item 4, and the general location map submitted with Item 5 on February 28, 2022 are sufficient for determining that the location of the tract of land considered for streamlined expedited release is located within Mount Zion WSC's water CCN. Hank Journeay and Tracy Montes determined the following:

- The tract of land owned by Falcon Place in the petition for streamlined expedited release is approximately 78.8 acres, of which approximately 78.8 acres overlap Mount Zion WSC (CCN No. 10088) and would be decertified from CCN No. 10088.

Based on my technical and managerial review and the mapping review by Hank Journeay and Tracy Montes of the information provided by Falcon Place on February 28, 2022, I recommend the petition be deemed administratively complete.