



## Filing Receipt

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**DOCKET NO. 53254**

<b>PETITION OF STC GROUP MILLER,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LLC TO AMEND BOLIVAR WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION’S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN DENTON</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>		

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

On February 22, 2022, STC Group Miller, LLC (STC) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation’s (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) No. 11257 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). STC asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Denton County, which is a qualifying county.

On February 25, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of March 24, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and the sufficiency of notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and, as detailed in the attached memorandum from Jolie Mathis 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, STC stated that it mailed a true and correct copy of its petition

to the CCN holder, Bolivar 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.<sup>1</sup>

Event	Date
Deadline for Bolivar 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 Bolivar 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
<b><i>In the event streamlined expedited release is granted and petitioner and Bolivar WSC can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Bolivar 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

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

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<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 24, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 53254**

**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 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Jenna Keller, Attorneys  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** March 24, 2022

**RE:** Docket No. 53254 – *Petition of STC Group Miller, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

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On February 22, 2022, STC Group Miller, LLC (STC) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). STC asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

STC submitted a sworn affidavit attesting that the tract of land was not receiving water service from Bolivar WSC and a special warranty deed with a vendor's lien confirming ownership of the landowner's total property. STC included a statement indicating a copy of the petition was sent via certified mail to Bolivar WSC on the date the petition was filed with the Public Utility Commission of Texas.

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps submitted with Item 1 on February 22, 2022 are sufficient for determining that the location of the tract of land considered for streamlined expedited release is located within Bolivar WSC's water CCN.

Dave Babicki also determined the landowner's total property is approximately 202.7 acres. The tract of land in the petition for streamlined expedited release is approximately 202.7 acres, of which approximately 202.7 acres overlap Bolivar WSC (CCN No. 11257) and would be decertified from CCN No. 11257.

Based on my technical and managerial review and the mapping review by Dave Babicki of the information provided by STC, I recommend the petition be deemed administratively complete and accepted for filing.