



## Filing Receipt

**Received - 2022-06-21 03:21:57 PM**

**Control Number - 53315**

**ItemNumber - 16**

**DOCKET NO. 53315**

<b>PETITION OF LGI HOMES-TEXAS, LLC TO AMEND MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN JOHNSON COUNTY BY STREAMLINED EXPEDITED RELEASE</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION       OF TEXAS</b>
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**ORDER NO. 5  
REGARDING CLARIFICATIONS AND  
FINDING PETITION, AS SUPPLEMENTED AND AMENDED  
ADMINISTRATIVELY COMPLETE, NOTICE SUFFICIENT,  
ESTABLISHING PROCEDURAL SCHEDULE, AND RESTYLING**

This Order addresses the June 15, 2022 clarifications filed by LGI Homes-Texas, LLC in response to Order No. 4 and the sufficiency of the March 8, 2022 petition of LGI Homes-Texas, LLC to amend Mountain Peak Special Utility District's certificate of convenience and necessity (CCN) number 10908 in Johnson County by streamlined expedited release. On April 27 and May 11, and 25, 2022, LGI filed amended petitions.

**I. Clarification**

On June 15, 2022, LGI-Homes clarified that the March 24 and May 4, 2022 maps were filed in response to Commission Staff's deficiencies regarding what property LGI-Homes intended for release in this proceeding. LGI-Homes stated that both sets of maps can be disregarded as they were replaced by the maps filed with its May 25, 2022 third amended petition and Commission Staff's subsequent recommendation regarding completeness.

**II. Finding Petition Administratively Complete**

On June 6, 2022, Commission Staff recommended that the petition, as supplemented and amended, be found administratively complete. The finding of administrative completeness does not address the merits of the petition. The administrative law judge (ALJ) finds the petition administratively complete.

**III. Finding Notice Sufficient**

The petition and amended petitions include the affidavits of Elaine Torres, acting in her capacity as a member of LGI Homes, attesting that a copy of the petition and amended petitions

would be mailed to Mountain Peak the same date they were filed with the Commission. The ALJ finds the notice sufficient.

#### IV. 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	July 11, 2022
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	July 18, 2022
Deadline for Commission Staff's recommendation on final disposition	August 1, 2022
Sixty-day administrative approval of streamlined expedited release	August 22, 2022 <sup>1</sup>
<b><i>In the event streamlined expedited release is granted and the petitioner and the CCN holder can select an agreed-upon appraiser</i></b>	
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
<b><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></b>	

<sup>1</sup> The 41-day deadline ends on Saturday August 20, 2022; therefore, under 16 TAC § 22.4(a), the deadline moves to the next day in which the Commission is open for business, or Monday, August 22, 2022.

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

### V. Restyling

Commission Staff recommended that this docket be restyled to reflect the correct name for the petitioner and that this case is for a streamlined expedited release. Accordingly, the ALJ restyles this docket as reflect in this Order.

**Signed at Austin, Texas the 21st day of June 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**




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**KATIE MOORE MARX**  
**ADMINISTRATIVE LAW JUDGE**