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PETITION BY MAPLE	§	BEFORE THE
VIEW DEVELOPMENT, LLC	§	
TO AMEND ORBIT SYSTEMS, INC.'S	§	PUBLIC UTILITY COMMISSION
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN BRAZORIA	§	OF TEXAS
COUNTY BY EXPEDITED RELEASE	§	

**MAPLE VIEW DEVELOPMENT, LLC'S MOTION TO NOT REQUIRE
COMPENSATION PROCEEDING**

Maple View Development, LLC (Maple) files this, its Motion to Not Require Compensation Proceeding.

BACKGROUND

1. On April 21, 2022, Maple filed its petition for streamlined expedited release of a tract of land from Orbit Systems, Inc.'s (Orbit) CCN number 11982.
2. A copy of the petition was certified mailed, return receipt requested to Orbit on May 24, 2022.
3. On August 8, 2022, the Administrative Law Judge (ALJ) issued Order No. 4 requiring Orbit to file a response to the petition verified by a notarized affidavit.
4. On August 25, 2022, Orbit filed a response to Maple's petition requesting additional time to respond.
5. On August 31, 2022, the ALJ issued Order No. 5 granting the extension in part, allowing Orbit until September 8, 2022 to file a response verified by an affidavit.
6. On September 12, 2022, Orbit supplemented its response to the petition indicating it had been in contact with Maple and looked forward to formulating a response.

7. On October 4, 2022, the ALJ issued Order No. 6 granting Maple's petition for streamlined expedited release.

8. On October 17, 2022, Orbit filed a notice of non-participation in the appraisal process and withdrawal from the matter.

9. Prior to withdrawal from this matter, Orbit did not file an affidavit or other document alleging loss of property value or that it has facilities that will be rendered useless or valueless by the decertification, or that it was otherwise entitled to compensation.

COMPENSATION PROCEEDING NOT REQUIRED

Under 16 Texas Administrative Code (TAC) § 24.245(i)(4), Orbit must participate in the appraisal process in order to be entitled to any compensation for decertification of its CCN. Orbit did not file an affidavit in this case, as provided by Order Nos. 4 and 5, alleging that it would lose property value or was otherwise entitled to compensation under Texas Water Code §§ 13.254(g) and 13.2541. Further, Orbit has withdrawn from this matter and has indicated that it will not participate in the compensation phase of this proceeding. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to provide an appraisal, the compensation to the CCN holder is deemed to be zero. Given the fact that Orbit has not alleged entitlement to compensation as verified by an affidavit and has withdrawn from this proceeding, indicating that it will not participate in the compensation phase, requiring Maple to continue through the process is unnecessary.

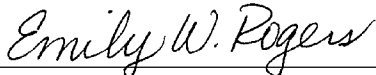
For these reasons, Maple respectfully requests that the ALJ issue a proposed order granting this motion and deeming that zero compensation is required.

Respectfully submitted,

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BY: 

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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record via email on October 18, 2022, in accordance with the requirements of 16 Tex. Admin. Code § 22.74.



Emily W. Rogers