



## Filing Receipt

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

**NOTICE OF APPROVAL  
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, Maple View Development, LLC, owes no compensation to Orbit Systems, Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Orbit's certificated service area under certificate of convenience and necessity (CCN) number 11982. In two separate motions, the petitioner moved that the compensation process should not occur because it is unnecessary, based upon the CCN holder's withdrawal from the proceeding. The petitioner's motions to eliminate the compensation process are denied. The Commission's determination on compensation is based on the fact that the CCN holder failed to timely file an appraisal report.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Maple View is a Texas limited liability company registered with the Texas secretary of state under filing number 804227133.

**CCN Holder**

2. Orbit is a Texas corporation registered with the Texas secretary of state under filing number 72981900.
3. Orbit holds CCN number 11982 that obligates it to provide retail water service in its certificated service area in Brazoria County.

**Petition**

4. On April 21, 2022, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11982.
5. In Order No. 6 filed on October 4, 2022, the Commission granted the petition and released the tract of land from the CCN holder's certificated service area.
6. Ordering paragraph seven of Order No. 6 stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 4.

**Appraisers and Appraisals**

7. The petitioner and CCN holder did not agree on the compensation to be paid to the CCN holder for the streamlined expedited release.
8. The petitioner and CCN holder did not agree on an independent appraiser.
9. On October 18, 2022, and January 11, 2023, the petitioner moved to eliminate the compensation phase as unnecessary and requested that the compensation be \$0.
10. Neither the CCN holder nor the petitioner filed an appraisal report or a statement of the amount of agreed compensation within 70 days after the Commission granted release.

**Compensation**

11. Because the CCN holder did not file an appraisal report within 70 days after the Commission granted release, no compensation is owed for the release.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.

5. Under 16 TAC § 24.245(i)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraisal report within 70 days after the Commission grants streamlined expedited release.
6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
7. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
8. The Commission processed the petition in accordance with the TWC and Commission rules.

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The petitioner's motions to eliminate the compensation process as unnecessary are denied.
2. No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
3. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Notice of Approval.

**Signed at Austin, Texas the 17th day of January 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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