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DOCKET NO. 53563

PETITION OF BENCHMARK	§	PUBLIC UTILITY COMMISSION
ACQUISITIONS, LLC TO AMEND	§	
MSEC ENTERPRISES INC.'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

**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, Benchmark Acquisition, LLC owes compensation to MSEC Enterprises Inc. under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a portion of MSEC Enterprises' tract of land from Benchmark's certificated service area under certificate of convenience and necessity (CCN) number 12887. The Commission's determination on compensation is based on an agreement between Benchmark and MSEC Enterprises.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Benchmark Acquisitions is Texas limited liability company registered with the Texas secretary of state under filing number 800503354.

CCN Holder

2. MSEC Enterprises is a Texas for-profit corporation registered with the Texas secretary of state under filing number 145205000.
3. MSEC Enterprises holds CCN number 12887 that obligates it to provide retail water service in its certificated service area in Grimes and Montgomery counties.

Petition and Supplemental Materials

4. On May 4, 2022, the petitioner filed a petition seeking streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 12887.
5. In Order No. 6 filed on October 12, 2022, the Commission granted the petition and released the portion of the petitioner's tract of land from the CCN holder's certificated service area.

6. Ordering Paragraph 7 of Order No. 6 stated that, if streamlined expedited release was granted, this proceeding would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 4.

Appraisers and Appraisals

7. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

8. On December 21, 2022, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation in which they agreed that compensation in the amount of \$32,000 is owned to the CCN holder as a result of the streamlined expedited 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)(1), if the petitioner and CCN holder agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. Compensation in the amount of \$32,000 is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
7. 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 must pay to the CCN holder compensation in the amount of \$32,000 within 90 days from the date of this Notice of Approval.¹
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 6th day of January 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.