



## Filing Receipt

**Received - 2022-08-10 02:52:57 PM**

**Control Number - 53563**

**ItemNumber - 9**

**DOCKET NO. 53563**

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

**ORDER NO. 4**  
**FINDING PETITION, AS SUPPLEMENTED, ADMINISTRATIVELY COMPLETE**  
**AND NOTICE SUFFICIENT, AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses the sufficiency of the May 4, 2022 petition of Benchmark Acquisitions, LLC to amend MSEC Enterprises Inc.'s certificate of convenience and necessity (CCN) in Montgomery County by streamlined expedited release. On July 5, 2022, Benchmark filed a supplement to the petition.

**I. Finding Petition, as Supplemented, Administratively Complete**

On August 10, 2022, Commission Staff recommended that the petition, as supplemented, be found administratively complete. The administrative law judge (ALJ) finds the petition, as supplemented, administratively complete. The finding of administrative completeness does not address the merits of the petition.

**II. Finding Notice Sufficient**

On May 4, 2022, Benchmark provided in the application's certificate of service a statement that it mailed a copy of its petition to the CCN holder, MSEC, by certified mail, return receipt requested on the day the petition was filed with the Commission. Benchmark also included an affidavit attesting to this provision of notice to MSEC. The ALJ finds the notice sufficient.

**III. 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.

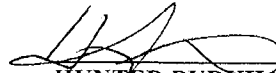
The following procedural schedule applies in this case:

<b>Event</b>	<b>Date</b>
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	August 30, 2022
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	September 6, 2022
Deadline for Commission Staff's recommendation on final disposition	September 20, 2022
Sixty-day administrative approval of streamlined expedited release	October 10, 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>	
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

<sup>1</sup> The 60-day deadline ends on Sunday, October 9, 2022; therefore, under 16 TAC § 22.4(a), the deadline moves to the next day the Commission is open for business, Monday, October 10, 2022.

**Signed at Austin, Texas the 10th day of August 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**