



## Filing Receipt

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**DOCKET NO. 53594**

<b>PETITION OF MONTGOMERY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>COUNTY LAND INVESTMENTS, INC.</b>	<b>§</b>	
<b>TO AMEND T&amp;W WATER SERVICE</b>	<b>§</b>	
<b>COMPANY'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>MONTGOMERY COUNTY BY</b>	<b>§</b>	
<b>STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED  
PROCEDURAL SCHEDULE**

On May 11, 2022, Montgomery County Land Investments Inc. (MCLI) filed a petition for streamlined expedited release from T&W Water Service Company's (T&W) water Certificate of Convenience and Necessity (CCN) number 12892 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MCLI asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. On July 18, 2022, T&W Water Service Company filed a motion to intervene. MCLI filed supplemental information on July 12, 2022 and August 22, 2022.

On August 22, 2022, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and sufficiency of notice and propose procedural schedule by October 14, 2022. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified

mail on the day that the landowner submits the petition to the Commission. MCLI stated that it mailed a copy of its petition to the CCN holder, T&W, by certified mail on the day the petition was filed with the Commission. MCLI also included an affidavit attesting to this provision of notice to T&W. Accordingly, Staff recommends that the notice is sufficient.

### III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for T&W and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to T&W's response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and T&amp;W can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and T&W 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 petitioner to T&W	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to T&W	Within 90 days of the Commission's final order on compensation

***In the event streamlined expedited release is granted and petitioner and T&W unable to select an agreed-upon appraiser***

Deadline for petitioner and T&W to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and T&W's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for 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 petitioner to T&W	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to T&W	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: October 14, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 14, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Ian Groetsch, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** October 14, 2022

**RE:** Docket No. 53594 – *Petition of Montgomery County Land Investments, Inc. to Amend T&W Water Service Company's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

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On May 11, 2022, Montgomery County Land Investments Inc. (MCLI) filed a petition for streamlined expedited release from T&W Water Service Company's (T&W) water Certificate of Convenience and Necessity (CCN) No. 12892 in Montgomery County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MCLI asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

MCLI submitted a sworn affidavit attesting that the tract of land was not receiving water service from T&W and a warranty deed confirming ownership of the landowner's total property. MCLI included a statement indicating a copy of the petition was sent via certified mail to T&W on the date the petition was filed with the Commission.

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 10 on August 22, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within T&W's water CCN.

The landowner's total property is approximately 154.8 acres. The tract of land in the petition for streamlined expedited release is approximately 154.8 acres, of which approximately 22.5 acres overlap T&W (CCN No. 12892) and would be decertified from CCN No. 12892.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by MCLI on August 22, 2022, I recommend the petition be deemed administratively complete and accepted for filing.