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PUC DOCKET NO. 53698

PETITION OF AM BUSINESS	§	
TRUST 2021-001, A FOREIGN	§	
TRUST BASED IN UTAH	§	
REGISTERED TO DO BUSINESS	§	BEFORE THE
IN TEXAS, TO AMEND CITY OF	§	
GRAND PRAIRIE’S WATER	§	PUBLIC UTILITY COMMISSION
CERTIFICATE OF	§	
CONVENIENCE AND	§	OF TEXAS
NECESSITY NO. 10105 IN ELLIS	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

**PETITIONER AM BUSINESS TRUST 2021-001 AND
RESPONDENT CITY OF GRAND PRAIRIE’S
JOINT STATEMENT REGARDING APPRAISER**

Pursuant to the Commission’s Order dated September 14, 2023, Petitioner AM Business Trust 2021-001 and Respondent CCN holder City of Grand Prairie (the “Parties”) file this Joint Statement Regarding Appraiser consistent with the Administrative Law Judge’s Order No. 3 prescribing a procedural schedule for this Docket No. 53698, and respectfully show as follows:

I. INTRODUCTION

On June 8, 2022, AM Business Trust 2021-001 (the “Petitioner”) filed its Petition for streamlined expedited release from the City of Grand Prairie’s (the “City”) water Certificate of Convenience and Necessity (CCN) No. 10105 at the Public Utility Commission (the “Commission”) under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). On September 14, 2023, the Commission issued its Order releasing approximately 318.6 acres owned by Petitioner located in Ellis County from the City’s certificated service area, but did not decertify any facilities or equipment owned by the City within the City’s certificated service area. The Order instructs that proceedings to determine the amount of compensation, if any, to be awarded to the City commence on the date of the Order in accordance with the schedule adopted in Order No. 3, issued by Administrative Law Judge Susan E. Goodson, on September 8, 2022.

Pursuant to the schedule adopted in Order No. 3, the Parties must file a joint statement whether they have been able to select an agreed-upon appraiser within ten (10) days after the Commission approves streamlined expedited release. Therefore, this Joint Statement Regarding Appraiser filed by the Parties is timely filed.

II. PARTIES UNABLE TO SELECT AN AGREED-UPON APPRAISER

The Petitioner and the City are unable to select an agreed-upon appraiser and understand that Order No. 3 establishes a deadline for reports from both the Petitioner's appraiser and the CCN holder's appraiser within 70 (seventy) days after the Commission approves streamlined expedited release.

III. CITY'S RESERVATION OF RIGHT TO APPEAL

While the City joined the Petitioner to file this Joint Statement Regarding Appraiser in recognition of the statutory timeline set forth in TWC § 13.2541(i) and PUC Rule 24.245(i)(2)(B), as restated in Order No. 3, it is not the City's intent to waive its right to seek review of the Commission's action memorialized in its September 14, 2023 Order. Accordingly, the City independently and expressly reserves its right to appeal the Commission's Order by exhausting administrative remedies before the Commission, seeking review of the Commission's action in District Court, and pursuing any and all other remedies afforded to it by the Commission's rules and state law.

This joint statement does not request affirmative relief regarding this issue of appeal, but rather is intended to provide *the City's independent* statement to ensure its position on waiver is expressly set forth as the Parties proceed in accordance with Order No. 3.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner AM Business Trust 2021-001 and Respondent CCN holder City of Grand Prairie respectfully pray that the presiding Administrative Law Judge allow the Parties to proceed with independently filing their

respective appraiser's reports in accordance with the deadlines set forth in Order No. 3, and to grant all other and further relief to which the Parties may be entitled.

Respectfully submitted,

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ATTORNEYS FOR CITY OF
GRAND PRAIRIE

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 September 25, 2023, in accordance with the Order Suspending Rules, issued in Docket No. 50664, and the order of the Administrative Law Judge.

/s/ Michael A. Gershon
Michael A. Gershon