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DOCKET NO. 53698

PETITION OF AM REAL ESTATE	§	PUBLIC UTILITY COMMISSION
SOLUTIONS, INC., TRUSTEE OF THE	§	
AM BUSINESS TRUST 2021-001, TO	§	
AMEND THE CITY OF GRAND	§	
PRAIRIE'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
ELLIS COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On June 8, 2022, AM Real Estate Solutions, Inc., Trustee of the AM Business trust 2021-001 (AM Real Estate), filed a petition for streamlined expedited release from City of Grand Prairie's (Grand Prairie) water Certificate of Convenience and Necessity (CCN) No. 10105 in Ellis County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). AM Real Estate asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County, which is a qualifying county. AM Real Estate filed supplemental information on August 4, 2022.

On July 14, 2022, the administrative law judge (ALJ) filed Order No. 2, 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 September 8, 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 Jolie Mathis 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. AM Real Estate stated

that it mailed a copy of its petition to the CCN holder, Grand Prairie, by certified mail on the day the petition was filed with the Commission. AM Real Estate also included an affidavit attesting to this provision of notice to Grand Prairie. 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 Grand Prairie 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 Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Grand Prairie's response and 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
<i>In the event streamlined expedited release is granted and petitioner and Grand Prairie can select an agreed-upon appraiser</i>	
Deadline for petitioner and Grand Prairie 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 Grand Prairie	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Grand Prairie	Within 90 days of the Commission's final order on compensation

In the event streamlined expedited release is granted and petitioner and Grand Prairie unable to select an agreed-upon appraiser

Deadline for petitioner and Grand Prairie 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 ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and Grand Prairie'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 Grand Prairie	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Grand Prairie	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.

¹ TWC § 13.2541(i).

² 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: September 8, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Ian Groetsch
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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 September 8, 2022, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: September 8, 2022

RE: Docket No. 53698 – *Petition of AM Real Estate Solutions, Inc., Trustee of the AM Business Trust 2021-001, to Amend the City of Grand Prairie's Certificate of Convenience and Necessity in Ellis County by Streamlined Expedited Release*

On June 8, 2022, AM Real Estate Solutions, Inc., Trustee of the AM Business trust 2021-001 (AM Real Estate), filed a petition for streamlined expedited release from City of Grand Prairie's (Grand Prairie) water Certificate of Convenience and Necessity (CCN) No. 10105 in Ellis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). AM Real Estate asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Ellis County, which is a qualifying county.

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

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital mapping data submitted with Item 6 on August 4, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Grand Prairie's water CCN.

The landowner's total property is approximately 340.8 acres. The tract of land in the petition for streamlined expedited release is approximately 340.8 acres, of which approximately 318.6 acres overlap Grand Prairie (CCN No. 10105) and would be decertified from CCN No. 10105.

Based on my technical and managerial review and the mapping review by Tracy Montes of the additional information provided by AM Real Estate on August 4, 2022, I recommend the petition be deemed administratively complete and accepted for filing.